

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

SUZANNE SHELL

Docket No: 09-CV-00309 MSK-KMT

v.

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

July 1, 2009

**DEFENDANT’S REPLY TO PLAINTIFF’S RESPONSE TO MOTION TO
DISMISS AND QUASH SERVICE OF SUMMONS FOR LACK OF
PERSONAL JURISDICTION AND TO DISMISS FOR PERJURY**

Comes now, Defendant Brenda Swallow and submits this reply to Plaintiff’s response to motion to dismiss and quash service of summons for lack of personal jurisdiction in the above named cause of action. The Defendant’s original motion to dismiss and quash service of summons should be granted. The plaintiff in her argument, not only fails to make a compelling case for this court to establish personal jurisdiction over the defendant, but then commits perjury and further attempts to deceive the court with misleading analysis of evidence and omission of key pieces of the evidence she presents. Even the statements she makes about her “supposed”

contract bring fault to the logic in her original complaint. The Defendant did not confer with the

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plaintiff on this motion, it is understood she will not agree to the filing of proof of perjury against her.

JURISDICTION

1. In her response, the Plaintiff strives to invoke specific jurisdiction citing the long-arm statute in Colorado law. The Plaintiff further claims that her original complaint is sufficient for this court to establish jurisdiction over the Defendant. The Defendant clearly showed that all of the interaction between the opposing parties clearly took place in Florida and that all conflict that later came was the direct result and was about the Plaintiff's activities in Florida. The Plaintiff gave no evidence to dispute this fact. The Plaintiff also gave no evidence to dispute the Defendant's facts that she does no business, has no residence or holdings or any of the minimum contact requirements in Colorado to invoke jurisdiction. In effect, the Plaintiff is claiming that because she branched out her business to other states and conflicts arise in those other forums that her business is hurt in her home state and therefore due to her residency the defendants must be brought to her to defend themselves. The Plaintiff completely ignores the fact on this point that she was the one that reached to other forums. In light of this the traditional notions of fair play and substantial justice set forth in the *Classic Auto Sales vs. Schocket* case the Plaintiff cites are not met. Therefore, the Plaintiff's attempt to invoke this statute falls short and it must be conceded that since no tortuous acts (in fact so far in this case the only real evidence submitted has proven the Plaintiff was committing the tortuous acts) occurred in Colorado or were directed at Colorado and the

residency requirement is not met the Plaintiff's argument for Specific Jurisdiction fails and must be denied.

2. The Plaintiff's second argument entails Agent or Alter-Ego Jurisdiction. On this point, the Plaintiff's argument is so convoluted and unclear and does not name who this supposed agent is; the Defendant has no choice but to refute this argument from all sides.

A. If in fact, the Plaintiff is making this argument that Colorado has jurisdiction due to the Defendant acting in this forum through an agent; the Plaintiff's argument fails on two points.

I. The Plaintiff did not and could not establish any commercial ties of the Defendant to Colorado. If there are no commercial ties then the Defendant would have no need of an agent in this forum. Therefore her argument fails on this point.

II. If the Plaintiff argues that the Defendant acted against her through a supposed co-conspirator acting as an agent, then the Plaintiff is confusing this theory of jurisdiction with the conspiracy theory of jurisdiction which will be addressed later in this brief. However, the Plaintiff other than making her boilerplate allegations masquerading as legal conclusions has not shown that this defendant has induced either of the two co-defendants that reside in Colorado or anyone else for that matter to act in the forum state against the defendant.

While the Plaintiff does not have the burden to produce all her evidence to

support her case in order to establish jurisdiction, she does have the burden to produce enough evidence to support her position that Defendant Swallow actively engaged an agent to act against the plaintiff in this forum. Clearly the Plaintiff has not met this minimum requirement and thus her argument fails on this point.

B. On the other hand, if the Plaintiff is arguing that Colorado has jurisdiction, because Defendant Swallow acted against her agent and therefore acted against the Plaintiff; the Plaintiff has herself refuted this claim, if it was her claim. In the attached affidavit sworn under threat of perjury, the plaintiff states that Kay Henson and Defendant Swallow were not her agents and she exercised no control or oversight over them (this is a blatant lie which will be proven later in this brief). Since she claims no agents she obviously was not trying to prove Agent Jurisdiction in this manner and her argument fails on this point.

3. As for the Plaintiff's third argument which is for granting jurisdiction because of the theory of conspiracy, the Plaintiff submitted copies of emails as "evidence" to establish proof for this argument. The following facts and evidence prove that the Plaintiff not only did not meet this burden of proof, fraudulently represented the evidence and that her and her associates were the creation of their own problems

A. The Defendant is still mystified by the extreme arrogance and stupidity of the Plaintiff in including the email from Defendant Hinger as "evidence". To people

involved in Family and Children advocacy (and to any normal person for that matter) there is nothing more repugnant than Pedophiles and Child Molesters. On the submitted evidence, the plaintiff admits that her associate, Corrine Merwin, posted “evidence” that Defendant Tower, President of the American Family Rights Association (AFRA) was a wanted Pedophile. The “evidence” from Ms. Merwin turned out to be fabricated as it pertained to another person with the same name. The post was made to a web group that was and is registered with the Sage Wisdom Press as the owner. This “publishing” company has Plaintiff Shell as the registered owner. The web group is known as the “Advocacy Improvement Project (Project)” and the Plaintiff proudly claims she is the owner and retains editorial control over all posts made to it. The posts made by Ms. Merwin are still on the project and a derivative of the posts appeared on Ms. Shell’s Bad Advocates page. In light of this obvious attempt to libel a person and an organization that the plaintiff viewed as a competitor, a response from a then member of AFRA’s board of directors calling for a boycott of the plaintiff and her associates would seem appropriately reasonable, merely a defense against the Plaintiff’s virulent attacks and **Most Definitely Not Proof of any Conspiracy**. As a note to this, Defendant Tower filed suit against the Plaintiff, Ms. Merwin and another associate Effie Belou (aka Linda Elf) in California. The Plaintiff filed a countersuit and named nine other of the codefendants in this case (including Defendant Swallow) using this same boilerplate complaint. In December of 2008, the

Plaintiff submitted a motion to dismiss without prejudice for that counterclaim. The California court has still not ruled on that motion as has not relinquished jurisdiction in that case. It should also be noted that all the “evidence” the Plaintiff submitted is dated after the time frame in which she claims almost all the defendants (including Defendant Swallow) had entered into her vast Tin-Foil hat conspiracy. The Plaintiff also submitted no evidence that anyone agreed with Defendant Hinger, helped originate Mr. Hinger’s idea or even agreed with him.

B. As for the second part of this email and the group called “Shellbashers”, Defendant Swallow is not even listed on this evidence as part of this group. Once again, the Plaintiff has failed to show that Defendant Swallow was in any conspiracy that she describes in her complaint. All the evidence she has shown are dated well after the time frame her complaint gives for this Defendant and most of the other defendant’s actions. Considering the fact that the Plaintiff had kept a running campaign of slander for years against all or most of the defendants prior to the existence of this group, the fact that anyone would form a group to fight back against her does not make a conspiracy, but rather is merely self-defense.

Note: After this evidence appeared Defendant Swallow contacted other defendants to find out what this was about and where it came from.

Apparently, the Plaintiff lied this was not a public group as she claimed, but was a private group created to fight back against the libelous and slanderous

actions of the plaintiff and her associates on her project and Bad Advocates list. Apparently, this and other emails were stolen from Defendant Nancy Luckhurst by a woman named Suzy Nichols (Defendant Luckhurst filed complaints with the FBI and her congressman) . Defendant Swallow Exhibit 1 is an email to Defendant William Tower (provided by Tower) from Suzy Nichols, trying to extort money under the pretense of needing it to hide from government agencies. Mr. Tower refused and shortly after a chain of posts (Defendant Swallow Exhibit 2) appeared on the project trying to raise money for Ms. Nichols. After Ms. Nichols was paid off these emails magically came into the Plaintiff's possession.

- C. Defendant Swallow's Defense Exhibit 3 is 2 emails from the Plaintiff to Defendant Swallow and others in which the Plaintiff admonishes the defendant for interfering with the Plaintiff's attempts to sabotage the efforts of AFRA so that the Plaintiff's organization could recruit selected people from an organization she viewed as a competitor. The Defendant is not a legal expert, but this seems to be proof the Plaintiff engaged in her own criminal RICO violations as well as Anti-trust violations. Once again, with her deliberate acts of sabotage the plaintiff acts surprised and cries "conspiracy" when any of her targets join together to defend themselves against her.

D. Defendant Swallow Defense Exhibit 4 is the actual email chain that the Plaintiff submitted with her response, by omitting parts of this chain the Plaintiff is attempting to commit fraud in this court by omission. The rest of this chain includes an email from Rose Desnoyers whom is or was at the time an associate of the plaintiff and acted as Kay Henson's secretary. These emails show that Defendant Durand not only dropped out of direct family advocacy (they stated they picked up 2 of her former clients), but according to Ms. Shell's organization was not and had not been using any of the Plaintiff's "secret" information. The Defendant can see why the Plaintiff would choose to conveniently leave this information out of her pleading, since this would bring forth the lie to her complaint that the defendant's conspired to steal her information for their own use.

4. The last argument the Plaintiff makes for jurisdiction is based on a "Forum Selection" clause of a contract with the defendant that she doesn't have. The Plaintiff bases this on the argument that the defendant stole this contract from her as well as illegally recording her seminar and giving it to defendant Wiseman. She and her co-conspirator Kay Henson both state that Swallow attended the seminar for all three days and that Swallow stole the contract at that point. This is not true, Swallow had attended a previous seminar 4 months earlier at which no contract was presented and was already working with the Plaintiff's organization at the time. Swallow and her roommate Paula Macintosh were asked to come to the seminar in question to act as security as they had done on previous occasions (Swallow Defense Exhibit 5), because of the Plaintiff's

enormous paranoia (or because she had cheated and libeled so many people previously and was scared of retaliation). Swallow arrived on the second day to replace Ann Durand in this role at which point Ms. Durand left. Swallow was given a copy of the contract at this point to review and was told this was merely to get 501(3)© tax exemption. Defendant Swallow after reading this contract chose not to enter into a formal contractual relationship with the Plaintiff which is the defendant's right. Her argument that Swallow stole the contract fails on one simple question: If Defendant Swallow was already in a conspiracy to defraud the Plaintiff and Ms. Durand was also in that conspiracy would not have Swallow also stolen Ms. Durand's signed copy of the contract. The Plaintiff has no contract to invoke this clause and expects the court to take her and Kay Henson's word that it was stolen in order for this court to unjustly invoke jurisdiction over the defendant. That and the fact that the plaintiff and Ms. Henson have already conspired to defraud the Defendant as well as having numerous times attempted to defraud and fool courts all over the country make their assertions shall we say less than credible (see Docket Item 195 Exhibits 3, 4 and 5). The Plaintiff's lack of credibility which is about to be proven beyond a doubt is reason enough to deny jurisdiction on this grounds and is reason enough to dismiss with prejudice this case entirely.

PERJURY

1. . In the affidavit submitted with her response to Defendant Swallow's motion, sworn under oath and under threat of perjury the Plaintiff statement 15 claims that Defendant Swallow tape

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recorded her seminar, gave it and her hand out to Defendant Wiseman and that he published both on his website. As far as the defendant recording the plaintiff's seminar and giving it to Defendant Wiseman, the clip from her seminar was purchased by Defendant Wiseman from an organization called Victims of Child Abuse Laws (VOCAL) Missouri. VOCAL had a contract to sell videotapes of the plaintiff's seminars (and still does at this website <http://movocal.tripod.com/orderform.html>) with the plaintiff and an advertisement from VOCAL is Defendant Swallow Exhibit 6. **The fact is the Plaintiff knows this to be true and still lied about it in her affidavit.** She knows this, because when Wiseman posted an audio clip taken from the tape, she sent a letter to GoDaddy his internet provider trying to have his website shutdown. Wiseman informed the provider he had legally purchased the tape and showed them where he had done this and GoDaddy forwarded his letter to the Plaintiff. Defendant Swallow Exhibit 7 is an email from Ms. Henson about giving away the handouts from the seminar to a Ms. Judy Baxter who was going to give it away to 6 unnamed people. At one point on the project her group issued a press release about a case in Florida against the Andrehson family (Defendant Swallow Exhibit 8) that used Ms. Shell's methods and was featured on Court T.V. So much for the protection of her "Trade Secrets" and as for Defendant Swallow violating the terms of her contract as stated in items 15 and 16, Defendant Swallow has already shown she was not under any contract.

2. In Item 23 the Plaintiff makes 21 flat statements labeled A-U all sworn under oath and threat of perjury of which 9 are blatant lies and 6 more are deliberately misleading.

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A. Items D, E and F are statements about Kay Henson that she is not the Plaintiff's agent, an employee nor does she do volunteer work for the plaintiff. Items H, I, J and K are statements that Florida FRAI is owned by Ms. Henson and is licensed to Ms. Henson and that the plaintiff is not an employee and that the **Plaintiff had no input or say in the running of said enterprise**. Defendant Swallow's Exhibit 9 is just one of many emails the Defendant can provide which clearly show the Plaintiff giving orders, judgments and demands on how Florida FRAI was to be run. It also shows Ms. Henson as only being in a supervisory role. This same email also proves that the Plaintiff deliberately lied in Items Q, R, S, T and U about Defendant Swallow and her association with FRAI.

B. Items L, M, N and O are statements made in reference to Jim Filenbaum an attorney that Defendant Swallow retained for her daughter and referred to four other people on the recommendations of the plaintiff and Ms. Henson. While her statements L, N and O are technically correct they are deliberately misleading. The statement that Mr. Filenbaum was an attorney in good standing is only true in that he still had his license; the true fact as found out later is that 5 complaints for misappropriation of trust funds were brought against him at near the same time as he attended the Plaintiff's first seminar in late 2004. Two of the complaints were then referred to the Florida Supreme Court in February 2005, near the same time as he hosted the second seminar of the plaintiff. His license was suspended as of June 5 2005. True he was not formally disbarred until January 2006, but was made retroactive to June 5, 2005. Item M, in which the Plaintiff states Ms. Henson's actions were under the

direction of Mr. Filenbaum and not the Plaintiff is a matter of some debate. Defendant Swallow's Exhibit 11 is an affidavit from Mr. Filenbaum dated August 23, 2005 in which he states he was told that the Defendants daughter was informed she needed new counsel and the court was informed of this fact (Docket Item 195 Exhibit 5, the court notes from that hearing do not show this) the highlighted portion of Defendants Exhibit 10 shows that the Plaintiff deliberately had this information withheld from the Defendant and her advocate Ann Durand. One of these two parties is lying; take your choice the Plaintiff with a history of lying in courts or the disgraced attorney who robs children's trust funds. Either way they both sold Ms. Henson down the river.

CONCLUSION

Wherefore, Defendant Swallow, hereby requests this court grant her motion to dismiss and quash service of summons in this case against her. The Defendant hereby also begs to remind the court she is not an attorney and that the court grants her leave to correct any deficiencies they may perceive and identify in her motion. The Defendant herein also requests the court take note of the criminal acts of the Plaintiff in this case and **dismisses** the entire case brought against her and award sanctions against the Plaintiff and if the court sees fit to recommend criminal sanctions against the same.



Defendant Brenda Swallow 1 July 2009

Defendant Swallow Exhibit 1

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

From: Suzy Nickel [mailto:stoneponies4u@yahoo.com]

Sent: Thursday, August 23, 2007 11:16 PM

To: William Tower

Subject: Shitting bricks...

I need to know if I can count on AFRA for support. My son is terrified of being taken into custody and being placed in a foster home. This was not a concern until Dennis, Nancy and Lynnae made it one.

If AFRA is still in the business of helping families, then I need to be assured that AFRA will rectify the damage they have done to us and help us relocate. I cannot do this on the hope that the funds MIGHT be available. I need to move immediately.

If Dennis and Nancy (with Lynnae in the sidelines) had not tipped off the authorities today, my son and I would still be safe. We need assurance that we will not be taken from our home and put through unimaginable horror because of the viciousness of these two AFRA members.

I also need for you to affirm to my attorney that Nancy has my molds. Please help me recover them.

Please assure me that funds will be available for us to relocate before we are located. Since Dennis gave them our exact address, that will be a matter of hours.

I hope that we are not simply getting lipservice to get rid of us, but I also want to be appreciative of any true help you are offering. Please help us get to a safe haven. You have no idea of the hell we have gone through, and we need to move immediately.

AFRA should forge ahead without the undermining of unscrupulous people such as Dennis, Nancy and Lynnae. Please do right by us and help us get to safety.
Suzy

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"Kay Henson" <kayhenson@...>
halacha77
[]Offline
[]Send Email

Kay Henson wrote:

I'm extending the time until Friday, November 16th, 2007 for checks/money orders to be received. This means people must mail their donation no later than Tuesday, November 13, 2007 for it to arrive to Suzanne on time. She will then mail them all off together on Saturday, November 17th, 2007. Hopefully, this will allow enough time so Suzy can receive it by the day before Thanksgiving.

It's my understanding that there have been four people to donate thus far. How can this be when there were more than that who were upset by the actions taken against her? People were willing to speak out against the injustices, but were unwilling to DO something like send in a few bucks to HELP right a wrong? Very few had bonafide reasons (only one I can think of who contacted me privately). People could have set their pocket change aside for the past few weeks; they could have smoked generics instead of name brand, or rolled their own tobacco instead of smoking generics.. One person who donated saved her tip money from her job and donated it.

All the self-professing Christians out there could have used their tithing money to donate to her instead of the church. You are commanded by G-d to do four types of tithes....the widow, the orphan, the Priest, and the stranger. Technically, Suzy could fall under the widow and the stranger. Her child has been "orphaned" from the father as well.

To those who donated, I thank you. To the one I know of the issues surrounding their family, I understand that. To the rest of you...naughty, naughty. I hope G-d spares you from what Suzy has endured at the hands of truly evil people.

Kay

From: Suzanne Shell dsshell@
> > > To: FamilyRightsAdvoca
> > > Sent: Saturday, January 5, 2008 8:42:13 AM
> > > Subject: [FamilyRightsAdvocacyIMPROVEMENTProject] Suzy sends
> > thanks. . .
> > >

d have sm ked generics ins ead > > > I have just heard from Suzy Nickel about the donations
collected
> from
> > > this group to assist her. I submit a few of her quotes,
> withholding

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> > > anything that could be used to identify her or her location so> that

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> > > the AFRA and ex-AFRA people who narced on her (see the messages in
> > the
> > > archives for the history on this) cannot repeat their dasterdly
> deeds
> > > against her:
> > >
> > >
> > > . . .I wanted to thank you so much for helping me and my son. . .
> > > .What you did for us was loving and kind, and the first kind thing
> > > that has happened to us since this horrible ordeal which began
> over
> > > two years ago.. . . tell everyone that their contribution was put
> to
> > > good use, and I will make them proud that they helped get me here.
> > . . .
> > > .I really don`t have words to explain how thankful I am to know
> that
> > > people cared enough to help me stabilize and secure things for my
> > > son. . . .Please thank everyone for me as I cannot take a chance
> in
> > > posting again. . . .All my love and best wishes for the New
> > Year...You
> > > certainly made mine joyous...Please give my thanks to everyone!
> > > Suzy

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On Fri, 3/18/05, Suzanne Shell <dsshell@ix.netcom.com> wrote:
From: Suzanne Shell <dsshell@ix.netcom.com>
Subject: Oops
To: breakingfear2u2004@yahoo.com
Date: Friday, March 18, 2005, 12:47 PM

Brenda - a little birdie (not Kay) has been telling me about the cencom exchanges.

The request for Robin's airfare was part of the Institute campaign to illustrate how useless AFRA is. You are throwing a monkey wrench into the Institute efforts to drain the brains and muscle from AFRA. We must do this gently and not 'in your face.' This was not about asking you for money. It is also not about bailing someone out of financial difficulties. It is about proving that AFRA membership will not step up to the plate, even if they have the resources to do so, no matter how worthy the effort.

Think about it in the context of proving there are no remedies available. We are working at proving that AFRA is an anchor. Please don't make it harder by inserting any comments against one of us on AFRA forum.

Please stop arguing with any Institute associate on any AFRA forum. I do not want to deal with the associated fallout. If you have a problem, we deal with this internally.

For the record, Kay has NOT been paid for all the motions you think she has been paid for. She has LOST money due to Slade taking off work to babysit, even with the few dollars she was paid.

I have set you up to get paid by attorneys. You now have the opportunity to prove yourself to them. Your success or failure with this opportunity will be entirely your responsibility. I am here to help you succeed. So is Kay.

So, girlfriend. . .how are the Woods motions coming along? We are eagerly looking forward to them and your success with attorneys.

--

Suzanne Shell
Director, American Family Advocacy Center
Author: Profane Justice
<http://www.profane-justice.org>

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From: Suzanne Shell <dsshell@ix.netcom.com>
Subject: Institute policy
To: AnnD122@aol.com
Cc: "Kay Henson" <halacha@pensys.com>, "Brenda Swallow" <breakingfear2u2004@yahoo.com>
Date: Friday, March 18, 2005, 7:45 PM

Ann - Thanks for bringing this to my attention. This is the correct way to handle this and I really appreciate it. Kay is out to dinner right now so I am going to handle this.

1 - The Woods case IS Brenda's case. Kay is doing nothing on it. She did NOT get paid for anything on the Woods case. Kay did NOT contact Jim about helping him with this case. JIM contacted Kay. This is appropriate because Kay is Brenda's supervisor. Kay's reputation and the reputation of the Institute is on the line, and Kay does oversee all Institute activities in Florida. WE ALSO do NOT bring attorneys into our internal squabbles! We have no wiggle room in this regard. Bring your complaints to Kay ONLY. Since this weekend, Jim knows Brenda is doing the Woods case. He is ok with that PENDING the quality of the motions you turn in. Kay and I made me available to help you guys get up to speed so that Jim is comfortable working with you guys. This is an important responsibility. Now, it's in your hands. I cannot force any attorney to hire you. It is entirely up to you. Do us proud!

2 - You are all free to decline any cases for any reason. We will not question it or burden you by forcing you to take a case. We will trust your judgement in that regard. BUT you have to TELL us so that we can plan accordingly. If you say you will do something or be somewhere, Kay and I are relying on your fulfilling that obligation. If you can't, don't agree to do it. You can tell Kay no, she'll understand. However, failures to fulfill commitments you DID make will not encourage anyone to trust you with future work. Kay is managing much more in Florida than just advocacy/paralegal services for cases or attorneys in Florida. She is on the board of the Institute and is managing our national training program. The Institute requires that Kay be informed about what's going on in Florida. That doesn't mean she's intruding into your work. It just means she's keeping tabs on everything so that we can report successes and improve upon our weak areas. It's all about quality control and effective use of our limited resources.

3 - The Cencom thing had nothing to do with disparaging anyone who attended the Florida seminars. If you don't want to donate, then don't! We won't hold that against anyone, ESPECIALLY since you have all given so freely for the effort in Florida. It had everything to do with rubbing AFRA member's noses in their own inabilities to make the most miniscule contribution to a worthwhile objective. It is part of our national effort to get more states trained.

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It had to do with how a handful of people like the Florida group - you all included - can make more happen in a week than the entire AFRA membership can in a year. Remember - you don't know everything the Institute is doing, so just keep out of those discussions so that you don't mess up our plans. We are engaged in a

propoganda war, ladies. This was part of MY ploy to gently pressure those who are disaffected with AFRA to defect to the Institute. Brenda broke an Institute rule about participating in conflicts on AFRA forums and exacerbated it by publicly disagreeing with Kay. Brenda - girlfriend - I thought I taught you better. . . :-X . You were undermining my ploy and I had to shut it down IMMEDIATELY. I tried to call Brenda and she didn't answer the phone. I had no choice. We WILL present a unified front to the public, even if we disagree in private. This kind of solidarity is NOT open for discussion. It is a hard and fast Institute policy.

4 - Kay and I both agree about the petty issues causing problems. IF ANYONE has a problem with anyone else in this group, and takes that problem to ANYONE ELSE EXCEPT the person who is causing the problem or to your state leader for guidance, I will be pissed. VERY pissed. I think you know by now that any offender will NOT be a happy camper if *I* am VERY pissed.

We do NOT solve problems by trying to triangulate others within our team. We solve them by bringing our concerns to the offender and discussing it like adults. I am confident we can resolve disputes and improve our efforts in the process - as long as we don't resort to AFRA tactics like what happened today. Kay and I are both reasonable when faced with problems. If you need a mediator, ask one of us. If you don't want one of us, tell me and I'll ask another Institute leader to mediate. BUT what happened today will not be tolerated within our ranks. ***Kay and I were available all day for any disaffected person to hash this out with us.*** NOBODY even TRIED to bring it to us. If Sally has a problem with me and/or Kay, she should NOT take it to Mary. If Sally goes to Mary with her problem with me or Kay, Mary should tell her to tell us, NOT discuss this with Sally behind our backs. It is **not** Mary's place to resolve issues that do not involve to her. This is a gentle spanking, ladies. I don't want this issue to cause problems again. With or without a mediator, you WILL take your concerns to the person causing them, not to anyone else.

Florida is a new group. We are learning to work together. It will not work if we do not learn to communicate with each other honestly and fairly. There will be no more behind the scenes dramas. I'm too damned busy to hold pee pees and stroke egos. We are professionals, we need to conduct ourselves accordingly. Keep the emotions out of it. Nothing in our work is personal, ladies. Nobody intends to offend anyone else or step on any toes. We really all do respect each other. Don't forget that. We just have a very ugly job to do so let's get to it.

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Brenda - I need to see a draft on the Woods' motions by tomorrow night. You know how critical this case will be to affect TPRs nationwide!

Brenda, dear, I have confidence that you can turn out a worthy draft and we can fine-tune it with you. I'd also like it if you unsubscribed from Cencom. It is distracting you from your real work and not accomplishing anything positive. This is not an order, but if you don't unsubscribe and fail to moderate yourself better in the future, it will become an order. I want to give you fair warning now.

Ann, if Brenda needs help with her cases, she is to ask me or Kay. You handle your cases, we will help Brenda with hers. This is an order, Ann. If Brenda asks for help, just say no. This injunction is in effect until *I* am satisfied that Brenda will bring her problems with Kay (or whoever) directly to Kay (or whoever), with or without a mediator. I will not tolerate back-room dramas in the Institute.

Problems within the group are in the sole purview of the state leader, and nobody else. Kay is the only designated diffuser. Period. Use the chain of command and you will be safe and doing the right thing.

I hope we are all clear on this, ladies, and this never comes up again.

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From [AnnD122@...](#) Wed Jan 25 01:29:39 2006
Return-Path: <[AnnD122@...](#)>
X-Sender: [AnnD122@...](#)
X-Apparently-To: AFRA_TalkLine@yahoogroups.com
Received: (qmail 94777 invoked from network); 25 Jan 2006 09:29:37 -0000
Received: from unknown (66.218.66.217)
by m7.grp.scd.yahoo.com with QMQP; 25 Jan 2006 09:29:37 -0000
Received: from unknown (HELO imo-m16.mx.aol.com) (64.12.138.206)
by mta2.grp.scd.yahoo.com with SMTP; 25 Jan 2006 09:29:37 -0000
Received: from [AnnD122@...](#)
by imo-m16.mx.aol.com (mail_out_v38_r6.3.) id r.2c6.28518c6 (62976)
for <AFRA_TalkLine@yahoogroups.com>; Wed, 25 Jan 2006 04:26:29 -0500 (EST)
Message-ID: <[2c6.28518c6.31089e45@...](#)>
Date: Wed, 25 Jan 2006 04:26:29 EST
To: AFRA_TalkLine@yahoogroups.com
MIME-Version: 1.0
Content-Type: multipart/alternative; boundary="part1_2c6.28518c6.31089e45_boundary"
X-Mailer: 8.0 for Windows sub 6811
X-Spam-Flag: NO
X-Originating-IP: 64.12.138.206
X-eGroups-Msg-Info: 1:12:0:0
From: [AnnD122@...](#)
Subject: Re: [AFRA_TalkLine] Ann Durant and Doug Hardigree
X-Yahoo-Group-Post: member; u=42378661; y=ZtxwXrvrF9wFNszw8YxeAaHmCC6r7p-VljJ5xGd4qgtAYAjFYkyf
X-Yahoo-Profile: seeknjustice

--part1_2c6.28518c6.31089e45_boundary
Content-Type: text/plain; charset="US-ASCII"
Content-Transfer-Encoding: 7bit

Rose,

Two days ago you forwarded a thank you email with our names on it and today for no reason we seem to be under attack. Brenda, remember all those times I told you to shut up, well this is how you looked. It would seem another attack dog has taken your place. **Thank you Kay and Rose, as representatives of FRAI in Florida, for pointing out that Doug and I use that "Patriot law crap" because we all know that FRAI does not. This in itself tosses out any claim MS Shell might have of copyright infringement.** Furthermore, the cases you refer to were in the hands of a competent woman that Kay as leader of the state told me to turn the cases over to. We have not taken Any cases since the last case Kay gave us last May. This being said, We have been silent about the situation and I'm sure everyone would like us to remain silent so ladies keep us Out of your sandbox wars. You're making All advocates look bad. This is the reason we chose to disassociate ourselves with CPS advocacy. I will not respond to any posts so end this discussion.

Defendant Swallow Exhibit 4 page 2 of 4

WOW this story is ever changing. So can Ann come out and play.....or are you the mouth piece of you little insignificant group of rejects. You know the ones who could not do it. Lack of brain or talent whatever the case may be.... well with you both.

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

From: AFRA_TalkLine@yahoogroups.com [mailto:AFRA_TalkLine@yahoogroups.com]

On Behalf Of brenda

Sent: Tuesday, January 24, 2006 10:58 PM

To: AFRA_TalkLine@yahoogroups.com

Subject: RE: [AFRA_TalkLine] Ann Durant and Doug Hardigree

You are very welcome. I have no problem letting you know that the infamous Donna Suzanne Shell has enticed individuals to commit crimes against the State as well as Against Families. Then Suzanne Shell tries to "Condemn" those Advocates with Slander and Defamation.

Oh did I mention the order of the Court Stating Kay Henson appeared as Counsel in a Hernando Case? It was at this time Ann Durant told Kay she needed to approach the Judge to let her know she was Not an attorney or co-counsel. Kay said "No it don't matter". Numerous witnesses to this make it Fact not hearsay.

As well as the Order of the Court. Now who's the fool?

Brenda

court watchers <court_watchers@verizon.net> wrote:

| Thank you for putting that on paper good night fool.

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

From: AFRA_TalkLine@yahoogroups.com

[mailto:AFRA_TalkLine@yahoogroups.com] **On Behalf Of** brenda

Sent: Tuesday, January 24, 2006 10:36 PM

Document: Reply to Plaintiff's response to Motion to Dismiss and Quash Service of Summons for Lack of Personal Jurisdiction

Page 21 of 39

Case Name: Shell v. American Family Rights Assoc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

To: AFRA_TalkLine@yahoogroups.com; annd122@aol.com
Subject: RE: [AFRA_TalkLine] Ann Durant and Doug Hardigree

"non compete you guys signed"? Ok #1 Mrs. SS will tell you she has NO SIGNED CONTRACT FROM ME LOL Cause I'm sitting here looking at it LMAO.

Oh and secondly All Contracts become Null and VOID when one party or another attempts to Violate the Law by Requesting the other Party to be part of a Crime (Especially a Felony).

Oh boy..You need to brush up on Criminal Law and Contract Law.

court watchers <*court_watchers@verizon.net*> wrote:

| Thank you for putting that on paper good night fool.

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

From: AFRA_TalkLine@yahoogroups.com
[mailto:AFRA_TalkLine@yahoogroups.com] **On Behalf Of** brenda
Sent: Tuesday, January 24, 2006 10:36 PM
To: AFRA_TalkLine@yahoogroups.com; annd122@aol.com
Subject: RE: [AFRA_TalkLine] Ann Durant and Doug Hardigree

"non compete you guys signed"? Ok #1 Mrs. SS will tell you she has NO SIGNED CONTRACT FROM ME LOL Cause I'm sitting here looking at it LMAO.

Oh and secondly All Contracts become Null and VOID when one party or another attempts to Violate the Law by Requesting the other Party to be part of a Crime (Especially a Felony).

Oh boy..You need to brush up on Criminal Law and Contract Law.

Brenda (Not afraid to sign my name) LOL

court watchers <court_watchers@verizon.net> wrote:

Well that letter was some time ago she just dropped these cases a month ago. Can you say non compete form you guys signed I had to. only my word mean something to me and others.

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

From: AFRA_TalkLine@yahoogroups.com
[mailto:AFRA_TalkLine@yahoogroups.com] **On Behalf Of**
brenda
Sent: Tuesday, January 24, 2006 9:17 PM
To: AFRA_TalkLine@yahoogroups.com
Subject: RE: [AFRA_TalkLine] Ann Durant and Doug
Hardigree

As if you didn't know Ann has documentation from Shell instructing her to drop all cases back in July. Please quit being stupid.

Brenda

court watchers <court_watchers@verizon.net> wrote:

Really cause I had two of her clients come to me for help recently because she dropped them like a bad habit, without so much as a goodbye. As to these families where are they never heard of them. **Certainly not with that patriot law crap you all are using. I have motions from Doug that he wrote for Brandy** you remember the ones Jim would not file in court. Yea Doug sent them to me and guess what I still have the Email where he ask me not to tell anybody that he sent them. Keep trying Brenda you will make it some day.

P.S nice profile lol your kids must be proud

Defendant Swallow Exhibit 5

From: Suzanne Shell <dsshell@ix.netcom.com>
Subject: Re: [AFRA_CenCom] Re: Shell Advocates
To: AFRA_CenCom@yahoogroups.com
Date: Sunday, February 13, 2005, 4:37 PM

Do not diminish yourself, Paula. This was no joke to me and I valued your services greatly. I asked for a bodyguard because I am so frequently physically accosted by security personnel and subjects when I film, regardless of the fact that I stay fully within legal boundaries with my filming. As we all know, the law means little to those being exposed. I have been accosted in public buildings and parking lots about 50% of the time when I'm working. I've been physically attacked more than 3 times in the past couple of years. I take no chances any more and go in prepared to defend my right to film in case I am confronted.

Paula Mac wrote:

. . . Anyway...I was elected a Suzanne's bodyguard when she came to Florida last year and went to court with many of her trained advocates on a very high profile case. We did not want news media to swamp her as they have swamped the parents in the case in the past. Therefore I kept a close watch for Suzanne (even as we filmed the state Attorney walking through the parking lot with the GAL..LOL So after that episode I will continue to be her personal "bodyguard" anytime needed... It was actually a joke this really happened but believe you me Suzanne can handle herself and doesn't need a bodyguard in any event. We were just prepared.
Paula Mac

Document: Reply to Plaintiff's response to Motion to Dismiss and Quash Service of Summons for Lack of Personal Jurisdiction

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Case Name: Shell v. American Family Rights Assc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

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<p style="text-align: center;">• SPEAKERS & TOPICS • <i>Friday, August 11, 2000</i></p> <p>ONERIL HARNES - Director of CPS Watch - 7:00 PM TOPIC: (1) How The Money Flows To The States TOPIC: (2) How Foster Care Population Has Changed Consistent With Finding Changes</p> <p>KAREN JOHNSON & REV. TOM BOTHERWIND St. Louis False Memory Syndrome Society - 7:45 PM TOPIC: (1) Origins Of The False Memory Syndrome & Its Parallels With Current Child Abuse Accusations TOPIC: (2) The Personal Story Of The Damage Done To A Family By Such Practices</p> <p>Norman Barr, Author of "In My Honour" - 8:30 PM Topic (1) The Price of Innocence</p> <p>WALLY & DEBBIE RIVES - How The U.S. is Save Their Child - 9:15 PM TOPIC: (1) What Is It Like To Be On The Run? TOPIC: (2) What They Had To Get Publicity</p>	<p style="text-align: center;">• SPEAKERS & TOPICS • <i>Saturday, August 12, 2000</i></p> <p>ALLEN CARLSON - President of The Howard Center for Family, Religion & Society - 10:00 AM TOPIC: (1) The Government's Child Protective Work TOPIC: (2) An Overview Of The Current Status Of The Child Savers TOPIC: (3) How Families Can Cope With The Loss Of Basic Rights</p> <p>ROBERT FAYE, MD - Forensic Pediatrician, Consultant In Child Sexual Abuse Allegations - 1:00 PM TOPIC: (1) Consistent With the Child's Story: Let's Dissent This Statement</p> <p>BARBARA LYNN LAPP - President of Family Rights Organization, National Teacher - 2:00 PM TOPIC: (1) Countering The Child Savers: What Can One Person Do?</p> <p>SUZANNE SHELL, Author of Parent Justice & Director of American Family Advocacy Center - 3:00 PM TOPIC: (1) Case Plan Management - Offensive Strategies to Prevent Termination of Parental Rights</p>
--	---

2000 VOCAL of Missouri Conference VIDEO TAPE Order Form

Please send me the following videos at \$10.00 each _____

I have enclosed \$10.00 to _____ (number of tapes chosen, plus \$5.00 for shipping & handling, for a total of \$ _____)

Please send me ALL of the tapes for Friday at the price of \$5.00 each, plus \$5.00 for shipping & handling, for a total of \$25.00

Please send me ALL of the tapes for Saturday at the price of \$5.00 each, plus \$5.00 for shipping & handling, for a total of \$25.00

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Telephone _____

For MASTERCARD or VISA

Please place my order on my (Check One) MASTERCARD VISA

Card Number

Expiration Date _____

Signature (Required) _____

Make check or money order payable to:
VOCAL Of Missouri, Inc.

MAILING ADDRESS
VOCAL OF Missouri, Inc.
 P.O. Box 222
 Cadet, MO 63620

For Additional Information, Please Call: (573) 438-4593

SPECIAL INTERNET ORDER FORM

Defendant Swallow Defense Exhibit 7 page 1 of 2

JUDY Evans-Bxter <grandmamunkis@yahoo.com> wrote:
To: Florida_Group@yahoogroups.com
From: JUDY Evans-Bxter <grandmamunkis@yahoo.com>
Date: Mon, 21 Mar 2005 11:14:23 -0800 (PST)
Subject: RE: [Florida_Group] ineffective counsel

No, what you gave me were rulings on closed hearings. Can you e mail info

Kay Henson <kay@familyrightsassociation.com> wrote:
Hi Judy,
You can use my halacha@pensys.com address. Did you get the Ineffective Assistance of Counsel papers from the seminar??

K.

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

From: JUDY Evans-Bxter [mailto:grandmamunkis@yahoo.com]
Sent: Monday, 21 March, 2005 12:46
To: Florida_Group@yahoogroups.com
Subject: RE: [Florida_Group] GREAT. .

GREAT.. I WILL ONLY NEED ONE SET PROFANE JUSTICE, KIDNAPPED AND GUIDE FOR CHILDREN, OF COURSE ANY EXTRA MATERIAL FROM SEMINAR WOULD BE GREAT. . . SOMETHING OF IMPORTANCE COULD ALSO BE E MAILED AND I CAN PRINT HERE TO AVOID POSTAGE. SEND COD REGULAR MAIL AND ADVISE WHEN SENT SO I CAN PICK UP COST. JUDY ALSO WILL CALL YOU REGARDING LAMOY SOMETIME TODAY. . DID NOT HAVE MY CAR THIS MORNING I WISH I HAD MORE NOTICE SO SOMETHING COULD HAVE BEEN ARRANGED SO ULTIMATELY UNABLE TO GO TO COURT WITH HER. WILL FILL YOU IN ON MY DISCUSSION WITH HER LATER THIS EVENING. DO YOU HAVE OTHER E MAIL SO I CAN COMMUNICATE WITH YOU WITHOUT TYING UP GROUP BOARD.

Kay Henson <kay@familyrightsassociation.com> wrote:
I have a couple extra copies...six, actually.

Kay

Document: Reply to Plaintiff's response to Motion to Dismiss and Quash Service of Summons for Lack of Personal Jurisdiction

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Case Name: Shell v. American Family Rights Assc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

Defendant Swallow Defense Exhibit 7 page 2 of 2

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

From: JUDY Evans-Bxter [mailto:grandmamunkis@yahoo.com]

Sent: Monday, 21 March, 2005 10:43

To: Florida_Group@yahoogroups.com

Subject: Re: [Florida_Group] Resource for the medical and theraputic profession. . . .

Absolutely NOT Giveaways. . . I intend to use the fact that they are being loaned in order to keep one on one contact with them. I will contact Kay for extra copies. Thanks

Suzanne Shell <dsshell@ix.netcom.com> wrote:

Kay has extra copies. I also have some damaged copies, content is all intact, just cosmetic damage that you can use for loaners. NOT giveaways, make sure that folks understand that.

JUDY Evans-Bxter wrote:

I am in the process of contacting Joyce Snedaker and John R and would like to provide them with reading material and resources "on loan" in order to promote their committment to this effort. I have a couple of books "Out of Control", by Brenda Scott and "No Crueler Tyrannis by Dorothy Rabinowitz. . . . I would also like to be able to "loan" them your book, Profane Justice, Kidnapped and your guide for children. I hesitate only because this is reading material that I need to keep readily available as well. With the exception of the first two books mentioned, which I will happily loan them for background, would it be possibe for each recognized advocate in a certain geographical area, to have a spare copy of your reading material and any other information that would help promote professional interest in this group. Please let me know. Thanks, Judy

Document: Reply to Plaintiff's response to Motion to Dismiss and Quash Service of Summons for Lack of Personal Jurisdiction

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Case Name: Shell v. American Family Rights Assc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

Defendant Swallow Defense Exhibit 8

Wed Oct 19, 2005 11:58 pm

Message #1351 of 1960 < Prev | Next >
FRA Institute Press Release

November 19, 2005

State of Florida

v.

Lamoy and Joseph Anderssohn

Currently being played live on Court T.V.

Please be advised that Family Rights Advocacy Institute has been involved with this nationally publicized case regarding Lamoy and Joseph Anderssohn and their children.

The Anderssohns recently won their Termination Trial prevailing against Florida Department of Children and Families.

The FRAI Advocate that worked on the Termination case with the Attorney was none other than our own Kay Henson. Kudos to Kay at such fine work.

The Attorney, Andrew Fields, Co-Counsel was also trained by FRA Institute Training at a recent accredited Continuing Legal Education Seminar (CLE) in Florida. He assisted in the Termination Trial against Florida DCF and is currently assisting in the manslaughter charges in the State of Florida criminal trial. Kudos to Suzanne Shell.

For more information regarding the trial please see the following links:
http://www.courtstv.com/trials/andressohn/101805_openings_ctv.html

http://www.courtstv.com/trials/andressohn/101805_openings_ctv.html

<http://www.courtstv.com/trials/andressohn/docs/autopsy.html>

http://www.courtstv.com/trials/andressohn/101805_background_ctv.html

The FRA Institute is the only Institute nationwide that is Accredited by the Supreme Court in Colorado and several other states. It offers unique training that has been lacking for not only family advocates but for Attorneys and Judges who deal with Dependency and Neglect proceedings.

Congratulations to the FRA Institute and we hope to continue seeing such high profile cases using FRA Institute's tried and true strategies to help parents prevail. If you are interested in receiving Advocacy Training, please go to www.profane-justice.org

Document: Reply to Plaintiff's response to Motion to Dismiss and Quash Service of Summons for Lack of Personal Jurisdiction

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Case Name: Shell v. American Family Rights Assoc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

Defendant Swallow Defense Exhibit 9 page 1 of 6

Suzanne Shell
Director, American Family Advocacy Center
Author: Profane Justice
<http://www.profane-justice.org/>

Subj: Institute decision regarding advocates
Date: 08/07/2005 2:16:15 PM Eastern Standard Time
From: dsshell@ix.netcom.com
To: halacha@pensys.com, bkblegal@msn.com, annD122@aol.com, CMKorn@bresnan.net, twinkle2b@verizon.net
Sent from the Internet (Details)

There have been some ongoing issues in the Florida group which have resisted my efforts to resolve them. I have received information from Kay, Ann and Doug. Brenda has not responded to my requests for information in this regard. I have also been the recipient of multiple Woods' vitriolic diatribes after I stood up for the advocates on his case. The Institute has arrived at a final decision based in the information available. This message is an attempt to explain the issues and issue a decision designed to correct the current problems and prevent future problems of this nature. This communication is directed to the responsible advocates, the responsible state leader and her manager, and to Christine Korn - Colorado state leader (because this will involve her). This communication is intended to be strictly internal and private and shall not be disseminated in any form. It will also be archived on the Institute board of directors list.

ITEM 1

There has been not only a lack of communication from advocates to the state leader, but a resistance of advocates to take or return communications from the state leader. If there was a conflict felt by the advocates which caused this lack of communications, the offended persons had the obligation to communicate that problem. Once the problem was communicated and a decision reached, the advocates had the obligation to honor that decision regardless of whether they agreed with it or not. Advocates did NOT have the option, under Institute policy, to disregard that decision and foment divisiveness or to act counter to the decision.

Document: Reply to Plaintiff's response to Motion to Dismiss and Quash Service of Summons for Lack of Personal Jurisdiction

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Case Name: Shell v. American Family Rights Assoc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

Case in POINT - complaints about Jim. The advocates misunderstood certain court orders and accused Jim of not complying - except that those orders were issued to the AG, NOT TO JIM; the parent did not pay Jim his entire requested fee; Jim's illness worsened and the Institute was not going to violate Jim's privacy by disclosing this information to advocates who had demonstrated hostility toward Jim. Kay and I inquired of all parties and the Institute advised the advocates that there were no grounds to grieve Jim. THEN these advocates began fomenting against Jim after being told that the Institute had no problem with Jim. This exacerbated the problems between Jim and certain of Jim's clients, including Woods, who has now turned on the advocates. Do you see now why we do not cause or contribute to any dissention between client and attorney? Do you see how it comes back to bite you in the ass????!!!! Do you see now the damned damage control and potential problems this causes for the Institute - all because you thought you knew more than the leaders in the Institute????!!! Now MY ass is hanging out there because I have to support and protect you f*cking idiots when you disregarded my repeated instructions on this issue. You only get one of these from me, folks. Next time you will be booted and publicly censured.

Other communication issues: It is undisputed that Brenda said to Kay at the latest hearing, "I don't know what the f*ck you are doing here. . . . You don't know what the f*ck is going on with the case. . . etc. " She has also stated her intentions to grieve Jim. Both of these actions are in violation of Institute policy and practice.

RESPONSIBLE PARTIES: Ann, Doug, Brenda

ITEM 2

Inappropriate, sloppy and just plain amateur pleadings written while not under the supervision of an attorney. We do not write pleadings for anyone UNLESS we are under the direction and supervision of an attorney.

NOTICE OF INTENT TO ASSIST COUNSEL - this notice is titled incorrectly, is completely confusing, makes poor arguments in support, cites the wrong authorities to justify the status sought, cites insufficient authorities to support the claimed status, and states "This motion is being filed in good faith and for the Constitutional Rights of the Parent and the children." This is patriot bullsh*t and should NEVER be included in any motion forwarded by the Institute. I NEVER TAUGHT ANY OF YOU THIS IN THAT MOTIONS CLASS I GAVE YOU. This kind of notice is only recommended for cases where parent is represented by court appointed counsel (court appointed facilitators) who refuse to provide proper representation. This reflects badly on advocacy and on the Institute. Harms mother's legal interests. Requires damage control.

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Case Name: Shell v. American Family Rights Assoc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

Defendant Swallow Defense Exhibit 9 page 3 of 6

MOTION TO COMPEL DECISION - contains patriot bullsh*t, is confusing and vague, cites no authority to support the request. Lazy and sloppy. Reflects badly on advocacy and the Institute. Harms mother's legal interests. Requires damage control.

OBJECTION TO THE FRAUDULANT STATEMENTS FILED IN THE JUDICIAL REVIEW AND SOCIAL STUDY REPORT - What the f*ck is this? IF it was a response to DCF report, then the correct title would be "RESPONSE TO [STATE'S SOCIAL STUDY REPORT]." Then Defendant Swallow Defense Exhibit 9 page 3 of 6

the more proper format would be to itemize according to their numbers and either admit or deny with explanation. In NO way does the response to their report substitute for YOUR report to the court, (which you learned during the training seminar where you were certified) that you must submit at every hearing, describing compliance with case plan, summarizing contacts [possibly attaching follow-up letters which you never even wrote], and detailing obstacles place by cw and

others to your compliance with case plan and attaching exhibits to prove your claims. This is a major embarassment for the poor quality it represents.

VERIFIED MOTION FOR TO DECLARE CASE PLAN INAPPROPRIATE [sic]. A verified motion file by a parent, as I taught you ladies and gentlemen, must be sworn to under the penalty of perjury ad notarized. You didn't do that. ALSO - you forgot to omit The above named Counsel, by and for the mother, for the reasons describe above, respectfully requests this court to find that the current case plan devised by DCF is inappropriate. since this motion wasn't filed by counsel. Do you see how this motion (which I wrote for Jim) differs dramatically from your motions?

VERIFIED MOTION FOR EVIDENTIARY HEARING PERTAINING TO REASONABLE EFFORTS - Closes with This motion is being filed in good faith and for the Constitutional Rights of the Mother and the children . . .you added this stupid patriot crap to a motion I wrote???? Don't you EVER do that again!!!

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Case Name: Shell v. American Family Rights Assc., et al Defendant: Brenda Swallow

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So - in this case mom DIDN't file her report to the court (which is the MOST IMPORTANT document to file), she didn't do follow up letters, you didn't even make sure Brandy was completing and documenting her compliance with the case plan even though she was contesting it. She didn't request a new permanency planning hearing to get the permanency plan changed back to reunification which means the agency has NO CURRENT OBLIGATION to reunify the twins with Brandy. And by filing the last two motions when she did, Brandy tipped off the other side to our strategy prematurely, As advocates, you f*cked up big time and let another six months pass with NOTHING to show for it and no reason for the court to return the children to Brandy. You didn't do a damned thing I taught you to do.

ITEM 3

AS advocates, you must learn to focus your energies and resources ONLY on the cases where the parent is following instructions, who doesn't cause problems requiring damage control, who isn't abusive to you, and who is taking responsibility for their own cases. If you are not working with an attorney, you can only assist with documentation. You shall not write pleadings except for an attorney. You are not doormats subject to the whims of clients.

To this end, when Woods continues to screw up his case, you send a letter withdrawing your services. You don't hold his pee pee for him and let him bring down the Institute with his irrational antics. JUST SAY NO. Then you won't suffer burnout. I've been doing this for nearly 15 years because I know when to dump dead weight, whether it be advocates/allies, clients or changing my practices. You've seen me dump dead weight when I dumped AFRA. I have no qualms about dumping any other anchors hindering the hard-won forward momentum of the Institute. I know how to limit my spent energies by setting business hours. I don't bring anyone to my home and endanger my safety or privacy. I meet in public places.

I have been advised that Ann and Doug may be taking non-Institute cases. Guys - there is a non-compete policy and non-disclosure of trade secrets in effect. You will NOT take any cases EXCEPT through the Institute. You are instructed to immediately dump all non-Institute cases or convert them to Institute cases, or to surrender your Institute certification and return all Institute materials to Kay immediately. As a member of the Florida group, you have already agreed that

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Case Name: Shell v. American Family Rights Assc., et al Defendant: Brenda Swallow

Case Number: 09-CV-00309-MSK-KMT 7/6/2009

you will not compete in this practice of family advocacy for three years after leaving the Institute by virtue of your membership in that group.

Kay - as state leader, you were too soft on the advocates and let them get away with insubordination, refusal to follow Institute instructions, policies and strategies, sloppiness, overwork and poor judgement regarding which cases to accept and/or keep. Your supervision was too casual and, dare I say, too nice. This is business, and that requires a firm hand when insuring our polices are followed. As everyone can see, these policies are largely for the protection of the advocates and clients. Failure to follow them sets us all up for unnecessary risks.

As an example: when the advocates began turning the clients against Jim, it was time to step in and shut that down. You didn't and it escalated to the point where now, not only Jim, but the advocates are at risk by an out-of-control former client. This has cost us a valuable and effective attorney because Jim has said he will NOT work with anyone except Kay. Ann, Doug, Brenda - this is YOUR fault and I cannot adequately express the extent of my anger over this.

Advocates -: we protect our attorneys. We need them more than we need this bunch of rebellious amateurs. We also require our clients to PAY their attorney fees - we don't expect the attorneys to work for free. If the client doesn't pay the full fees, and the attorney withdraws or stops work until he is paid, it is not the attorney's fault and you will NOT allow or encourage the client to grieve that attorney. IF ANY OF YOU EVER AGAIN DO ANYTHING TO HARM ANY ATTORNEY/CLIENT RELATIONSHIP, YOUR CERTIFICATION WILL BE PULLED AND YOU WILL BE PUBLICLY CENSURED. The Institute will decide if an attorney becomes a problem that needs addressing, NOT YOU!!!

JUDGEMENT

Kay - You will have to depend on Gemma more to guide you regarding not being so nice. Get tougher and make this bunch adhere to what they've been taught. You are on probation. You must report to the Institute on a montly basis the status of your advocates and cases. You will seek guidance on the proper business posture from me and/or Christine - how not to be so nice when you are being pushed around.

Brenda - You have not only conspired with Ann and Doug to create these problems, but you've also jeopardized Brandy's case with your emotional, impulsive behavior. You disrupted that

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Defendant Swallow Defense Exhibit 9 page 6 of 6

courtroom at the last hearing with your outburst and gave the judge the reason to expel you from the courtroom. You NEVER address the court the way you did, without being recognized by the judge or asking permission to speak. What an embarrassment for the Institute. Trust me, you

won't find support from AFRA in this action of yours, either. YOU LOOKED AND ACTED LIKE A KOOK. You have also refused to return expensive property (fetus scope) to Kay in spite of multiple requests. You claim you don't get messages, which I do not believe. You didn't pay the full fee requested by the attorney and created problems when he wouldn't continue work without being paid. Your certification is suspended. You shall not advocate for ANYONE until Brandy's case is closed and until you attend another 3 day training seminar and until you establish a substantial history of controlled, reasonable behavior with no outbursts or losing control. Focus on your case and try to fix the problems you created.

Ann & Doug - You have not been fully forthcoming with either me or Kay and you have conducted behind-the-scenes discussions that have proven harmful to the Institute. For all the reasons stated above, you are both placed on probation. During this period of probation, you will not write any legal pleadings unless asked by an attorney - and then you will have them approved before submitting by Kay, myself or Christine Korn (in that order of availability). You will make weekly reports to Kay/Gemma about what cases you've got and the actions you've taken on them. You will submit all reports and follow-up letters for approval before sending/filing them to give you the proper guidance on how these should be written. You will not take new cases without Kay's and my approval. If any client fails to follow your directions, including but not limited to failure to provide case files, failure to comply with case plan, failure to write follow-up letters, etc, you will be instructed to withdraw your services - (this includes Brandy's case, gang). You will set business hours and adhere to them. All contact with the client's attorney MUST include Kay so that she can supervise and model the correct conduct for you. You will not be taken off probation until you attend another 3 day training seminar.

There will be no discussion on these issues. This decision is final. If you do not like these terms, then please surrender your certification and return all materials you have received from me or the Institute to Kay.

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Case Name: Shell v. American Family Rights Assc., et al Defendant: Brenda Swallow

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Subj: Re: Institute decision regarding advocates
Date: 08/10/2005 7:23:18 PM Eastern Standard Time
From: dsshell@ix.netcom.com
To: AnnD122@aol.com, CMKorn@bresnan.net
Sent from the Internet (Details)

Ann & Doug

"Some new information has been received by us" - Yeah right, this just fell into your lap. I'm not fooled, you looked for this. I'm very disappointed in both of you.

Since when do you take the state's word as fact for anything? Do you know how easy it is for a lawyer to get suspended? It is certainly as easy as it is to get someone nailed for UPL based on false allegations - been there, done that. I have been tried and recommended conviction for Contempt of The Colorado Supreme Court for UPL. Does this mean I should be discredited? Jim has successfully fought against mandatory immunizations and DCF cases. He may be as valuable and easy a target for false allegations by those who want to shut him down as I am. This may be nothing more than a message to other attorneys not to fight DCF so hard. I've seen it happen many times in several states. Unless we have hard evidence for the accusations, it is Institute policy to presume a person is innocent. I expect you to adhere to that principle. Regarding Jim - there are a lot of unsupported accusations but precious little proof. I expected better than this of both of you.

You have been sloppy in your logic. For example, you accused him of: 1. Demand more money in cash from Mr. Woods to continue the case one-hour before the hearing (his wife was there screaming at the Woods' at how hard he was working). He then subsequently withdrew from the case claiming Woods was trying to get him to perform unethical acts; this happened within one week after the court order. IF Woods owed Jim legal fees (nothing has been tendered proving he DIDN'T owe Jim legal fees. Since he called Jim constantly - those legal fees would undoubtedly get racked up pretty fast as Jim has a right to bill for the time he took on Woods phone calls as well as travel, trial prep and court appearances.) AND;

IF Woods gave Jim money (this 'fact' is in dispute. Jim's account has remained constant, Woods's/your side of the story has changed. I have seen no proof of any tendered version of Woods's or your various accounts.) THEN

There is nothing unethical about collecting that money. It does not violate any court order. He is permitted to collect fees owed to him. BUT - as a topper to your faulty logic. . .

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YOU DON'T KNOW if he turned this money over to the specially designated trust account or not - therefore, your complaint about the Woods money thing is based on speculation.
Also - this order you refer to is NOT FINAL e.g. Not final until time expires to file motion for rehearing, and if filed, determined.
The filing of a motion for rehearing shall not alter the effective date of this suspension.

He is given time for appeals, during which time certain elements of the court order may be in abeyance. You haven't submitted anything to indicate the status of that order during the appeals process. However, he took on no new cases through the Institute since before June. Why? Because Jim advised the Institute before June that he would no longer be working with advocates because of the crap you two were pulling against him and the problems YOU were causing with his clients. I AGREE with him. AS A CERTIFIED ADVOCATE, YOU DON'T CREATE PROBLEMS BETWEEN CLIENTS AND THEIR PRIVATE ATTORNEYS. You are FUCKING up credibility for advocacy in CPS cases NATIONWIDE.

There is NO danger of criminal complicity on the part of the Institute. Your hysteria is exaggerated based on the circumstances, unfounded in fact and reflects badly on the credibility and accuracy of our hard-fought-for professional standards.

Now, FYI, the Institute has been aware of Jim's suspension. Unlike you, however, the Institute is also aware of the reason for it and other relevant details which factored into our decision. You were not given any of this information because of your stupid hostile actions against Jim. I had every reason to believe you would use it to hurt him. I see I was right. I had another reason for withholding these details from you. It was a test of your loyalty and willingness to submit to Institute authority - from which you derive your credibility. The first time you flunked that test, you were put on probation - a light sentence in my opinion. When are you going to get it through your thick, stubborn heads that WE DON'T HURT THE ATTORNEYS WHO WORK WITH US? You just flunked that test for the second time.

The Institute has disavowed Woods. I told you disassociate from him. Did you do it? No. You sent him advice and caselaw - kind of like the UPL pot calling the Kay kettle black, don't you think? You waste my time and your time with your incessant arguing over petty details. You feed off of each other's and Brenda's negativism and infect others with it. You refuse to honor Institute policies, guidelines and decisions. When a decision is issued, I don't want to have to hear your arguments and excuses. I want to move on. I have had my fill with your divisiveness, dissention and faulty logic, emotional reactionism and sloppy work. I've told you to DROP the issues and you refuse. I'm tired of babysitting. You don't want to be on probation? Fine. Then surrender your certification and all Institute materials to Kay immediately. Naturally, this decertification will have to be published for the protection of the Institute.

Now, are you willing to submit to the probation or will you surrender your certification?

P.S. I knew you were planning on doing this. I had all the Institute i's dotted and t's crossed. You have allowed the enemy to use you against the Institute and against this movement. Shame on you.

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Defendant Swallow exhibit 11

In The Interest of Brandy Ann Cremeans Case #04-29DPA, B

AFFIDAVIT OF JAMES R. FILENBAUM

STATE OF FLORIDA)
COUNTY OF BROWARD)

BEFORE ME the undersigned notary public, personally appeared James R. Filenbaum, Esquire, who after being duly sworn, deposes and says:

1. My name is James R. Filenbaum. I make the following affidavit upon personal knowledge and belief.

2. I have previously submitted a Rule 3-5.1(g) compliance affidavit. Subsequent investigation has revealed that I need to amend that affidavit with the following information.

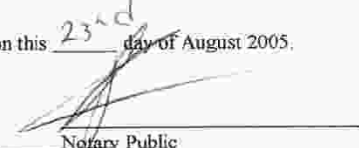
3. Prior to the suspension order I made one appearance in the matter styled In re: Brandy Ann Cremeans, case number 04-29DPA, B in Hernando County, Florida. I represented the mother, Brandy Ann Cremeans. At this time I am providing my client, the court and opposing counsel with a copy of this affidavit and a copy of the court order of suspension. It was my understanding, just prior to the last hearing, that the mother was notified of the fact that I could no longer represent her and accordingly she was attempting to secure new counsel. The court was informed of this fact at the last hearing in the case, at which I was not present.

FURTHER AFFIANT SAYETH NAUGHT


JAMES R. FILENBAUM

I HEREBY CERTIFY that on this day JAMES R. FILENBAUM personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, _____ personally known by me to be the person described in and who executed the foregoing and who acknowledged before me that the same was executed freely and voluntarily for the purpose herein expressed.

WITNESS my hand and official seal on this 23rd day of August 2005.


Notary Public

My Commission Expires:



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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

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