

**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.

Defendants.

**REPLY TO [234] PLAINTIFF'S RESPONSE TO SUPPLEMENT TO DEE
CONTRERAS' MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) and 12(b)(1) #201**

COMES NOW, defendant Dee Contreras and replies to [234] Plaintiff's Response to Defendant Contreras Motion to Dismiss Pursuant to FRCP 12(b)(6) and 12(b)(1) (#201). The sole purpose of my Motion to Dismiss was to test the sufficiency of the Complaint. The Motion to Dismiss was based upon the fact that Ms. Shell made absolutely NO claims against this defendant and gave absolutely NO REASON for the inclusion of Ms. Contreras in this lawsuit, except that "if one defendant did it, they're all guilty." The new evidence is a statement by Ms. Shell that shows the only reason given for the inclusion of Ms. Contreras in this lawsuit is that Ms. Contreras was the recipient of an e-mail. It is, therefore, completely relevant and material, and shows that the Complaint is specious and scandalous in and of itself.

1. There are no false accusations made by Ms. Contreras, only evidence presented to counter Ms. Shell's false allegations that Ms. Contreras is lying. The ONLY reason given to this

court for the filing of this lawsuit against Ms. Contreras, other than specious and false generalized allegations that “all defendants are guilty if one is”, was this document with comments written by the plaintiff. Each pleading has been responsive with evidence backing any allegations.

2. All of the evidence Dee Contreras has submitted has refuted the false allegations submitted against Ms. Contreras, and most certainly addresses the issues raised by Ms. Shell in her Complaint and her Response to Ms. Contreras’ Motion to Dismiss.

The defendant wishes to remind this court and Ms. Shell that it was Ms. Shell who provided the evidence used by Ms. Contreras in her Motion to Supplement.

The only “evidence of abuse” submitted by this defendant was submitted with relation to Ms. Shell’s Motion for depositions, and has nothing to do with this Supplement, nor the Motion to Dismiss. It was merely to exemplify the reason Ms. Contreras did not believe it was necessary, nor advisable to agree to depositions for information this defendant does not possess. Ms. Shell continuously claims that it is wrong for Ms. Contreras to demand evidence that the Complaint is valid as to Ms. Contreras, even though Ms. Contreras is entitled to that, but has no problem demanding evidence from defendant that defendant does not possess. However, that has nothing to do with the Motion to Dismiss nor the Supplement either.

3. Ms. Contreras did not submit any communication from Mr. Tower, nor Mr. Wiseman and is confused as to what relevance that has with regard to her Motion to Dismiss.

4. Contrary to Ms. Shell’s averment, Dee Contreras is the only defendant who responded to Ms. Shell’s submission of this broadcast email instruction, which was broadcast in 2006. It was ignored by this defendant for three years until Ms. Shell put comments on it and submitted it to the court as “evidence” that “all” defendants were part of a conspiracy by virtue of

having received such communication (as per the plaintiff's comment bubbles). No grounds for this lawsuit against Dee Contreras have been raised, except blanket allegations that infer that if Billy Wiseman sent something to the court, Dee Contreras is responsible; and if someone sent an e-mail to Dee Contreras, she must have conspired, even though all evidence is to the contrary.

5. Ms. Contreras wishes to remind the court that it has been Ms. Shell who has filed the motions to which Ms. Contreras has responded, and not the other way around, as Ms. Shell attempts to portray the filings. Ms. Shell violated court orders by filing motions against the court's order and THAT is the true reason the court has been "inundated" with filings. Ms. Contreras filed one Motion to Supplement her Motion to Dismiss based on the fact that Ms. Shell filed the one and only piece of evidence as to why Ms. Contreras was included in this lawsuit, which reason is frivolous, false and improper.

6. Ms. Contreras has requested a definition for "advertising" as she believes Ms. Shell is unable to differentiate between "advertising", "expressing an opinion", and "defending oneself in court". Obviously that definition is still necessary.

7. This is the reason Ms. Contreras has submitted proof of everything she has said—because Ms. Shell insists that truth is lies. The evidence Ms. Contreras has submitted supports Ms. Contreras' contention that she is telling the truth, while Ms. Shell has submitted absolutely nothing to dispute it, nor to support her blind allegations. Ms. Shell simply continues to aver that it isn't true despite the evidence to the contrary, without validating such averments.

8. Ms. Shell has not even given some of the defendants a reason for their inclusion in this lawsuit, except to say that if one person does it, everyone is guilty. Ms. Contreras has responded to the one and only "reason" for her inclusion, which is the "evidence" submitted by Ms. Shell.

9. Ms. Shell is presenting a smoke screen in an attempt to make herself appear to be the victim of a conspiracy to harm her:

a. When one defendant publishes a request to do wrong, and another one actually carries it out, that might indicate that two people are involved in a conspiracy, not thirty. There is nothing reasonable about inferring that all defendants are guilty if only one was involved.

10. The defendant's submissions are designed to support her claim that this lawsuit is unreasonable and unsupported. According to the e-mail exchange between defendant and plaintiff, the only thing defendant has done is said good things on Colorado Confidential about the plaintiff, which the plaintiff decided were damaging. It is difficult for a reasonable person to believe that saying good things can damage a person, but even if that were reasonable, why would the plaintiff call it "false advertising"? Secondly, Ms. Contreras filed a citizen's complaint, in good faith, based on valid grounds. Nobody, including the plaintiff was aware that this occurred. Defendant is mystified as to how plaintiff could possibly consider either event to be advertising, when it was not done commercially, and was done six months after the Defendant quit her membership in AFRA (Ms. Contreras has an Affidavit showing when she ended her membership and why) as well as ColoFRAI (her last message on that site was #304, written in July of 2006) and had not participated in any activities regarding this so-called "market" for at least six months. Ms. Shell is correct that there are no legal authorities that allow any person to commit wrongs against another in return for feeling they've been unfairly excluded or subjectively "abused". This is exactly Ms. Contreras' point. Ms. Contreras QUIT all groups, FRAI as well as AFRA, because of the dispute between the two groups, but because Ms. Contreras exercised her first amendment right to freedom of speech against the wishes of Ms. Shell, solely as an unaffiliated individual not participating in any child protection

reform or other activities, she is included in a lawsuit, being accused of being responsible for the acts and omissions of others, with absolutely NO VALIDATION, because the plaintiff feels subjectively abused.

11. Dee Contreras does not have the need to gain “a second bite at the apple” since Ms. Shell made no allegations against her. Ms. Shell simply submitted evidence that shows she had no reason to file this lawsuit against Ms. Contreras in the first place, supporting Ms. Contreras’ contention that Ms. Shell cannot support a case against Ms. Contreras, and Ms. Contreras felt that was worthy of bringing to the court’s attention. That is what constitutes “good faith”—doing what you believe is right--not bowing down to the wishes of someone who will find a way to get even if you don’t.

RESPECTFULLY SUBMITTED

B. Dee Contreras
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Dee7020@aol.com

Certificate of Service

I hereby certify that on the 21st day of July, 2009, I served a true and correct copy of this **REPLY TO [234] PLAINTIFF’S RESPONSE TO SUPPLEMENT TO DEE CONTRERAS’ MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) and 12(b)(1) #201** 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: July 21, 2009

B. Dee Contreras