

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 2009cv00309 - msk - KMT

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 26 2009

GREGORY C. LANGHAM
CLERK

SUZANNE SHELL

Plaintiff

v.

AFRA, et al

Defendants

Reply to #249

Comes now Dorothy Kernaghan-Baez. to reply to #249, the plaintiff's response to #206, my motion to dismiss.:

1. The plaintiff claims that by filing previous motions, I have waived certain arguments and defenses. I **specifically** did not waive anything.
2. The plaintiff states I did not seek permission from the Court or obtain her consent before I filed #206. I am not required to get permission from the Court before filing a motion to dismiss.

3. Also, I have no obligation to ask the plaintiff for permission to file a motion to dismiss. The very idea is ridiculous. Also, this court has previously ruled (#159) that "During the period from now until the Motions to Dismiss are ruled on there will be no need for the parties to communicate or confer pursuant to D.C.Colo.L.Civ.R. 7.1(A)."
4. The plaintiff claims that having to respond to #206 would be "patently unfair." I contend that the plaintiff decided to sue me (along with a large number of others) and that it would be "patently unfair" to deny me the right to defend myself.
5. The plaintiff claims that she should not have to answer the legal claims in #206 because I copied parts of other defendants' motions. I have the right to cite legal cases, etc. that I believe are appropriate and helpful to me. I am a *pro se* defendant (not by choice but due to lack of money), and am doing my best to comply with laws and rules that are unfamiliar and confusing to me.
6. The plaintiff has continuously refused to state specifically what her claims against me are. She claims that she can simply lump all the defendants together. The plaintiff has made specific accusations against only a very small number of the defendants.
7. In addition, the plaintiff attached as an exhibit 35 pages that she claims "prove" her case. I contend that none of this exhibit shows me to be guilty of anything the plaintiff can claim relief for.
8. Also, the plaintiff included in her exhibit items totally irrelevant in the case; for example, my mother in law's obituary. I believe the plaintiff included irrelevant material in order to inflate the number of pages in her exhibit, **in hopes that this Court is not actually reading what is filed.**

9. In her #249 exhibit, even though the plaintiff included irrelevant materials (basically picking and choosing material from my blog, for example), she failed to include relevant material that tells more of the whole story. Therefore I am including those items as an attachment to this filing.

Therefore I ask that this Court not strike #206, require that the plaintiff answer the arguments contained therein, and for any further relief this Court deems just and proper.

Respectfully submitted,



(Mrs.) Dorothy Kernaghan-Baez

811 Aumond Place East

Augusta, Georgia 30909

August 26, 2009

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/email to the following:

Suzanne Shell 14053 Eastonville Road Elbert, CO 80106	Aimee Dutkiewicz P.O. Box 3022 Bristol, CT 06011-3022
Dee Contreras 10571 Colorado Boulevard Apartment B-101 Thornton, CO 80233	
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
William Tower 7334 Chivalry Way Citrus Heights, CA 95621	Thomas M. Dutkiewicz P.O. Box 9775 Bristol, CT 06011



(Mrs.) Dorothy Kernaghan-Baez
August 26, 2009

April 29, 2008

TUESDAY, APRIL 29, 2008

Recording conversations, and other interactions with idiots.

Well, this is yet another ranting post about the Family Rights movement... specifically Suzanne Shell.

It all started early this morning when I responded to a post on the Child Protection Reform Yahoo, Group.

The post I made had to do with the laws governing recording conversations and the various state laws. I responded to this post with the following:

- It's important to remember that an argument can be made that government employees do not have the same expectation of privacy that would apply to private citizens.

I have seen families get away with hidden taping in "all party states" by using this argument.

I am not an attorney and this is not legal advice, just an observation.

Dorothy

Then out of the blue, here comes Suzanne "I invented Family Advocacy and own copyrights to everything up to and including the Bible" Shell making this comment on her group:

- I am not a member of child protection reform - my request was denied - so I will respond here to the message posted by D Baez (Your request was probably denied because you have a tendency to be disruptive, and basically rude and obnoxious. We've been over this before when I had to deny you membership in a group I moderate. -DKB)

Yes, after I researched the issue and found that public servants have no expectation of privacy in the performance of their duties, I wrote and published a Memorandum of Law Documenting (Recording) Public Officials on her web site which clearly details the reasons why you can record a case worker without notifying them regardless of the wiretapping or recording laws. (Never read it, sorry. The world doesn't revolve around you. Get over it. -DKB)

Thank you so much, Ms. Baez, for providing another sterling example why I stopped freely publishing my work online, because of YOUR propensity, and AFRA's insistence on claiming credit for work you did not do and/or for not attributing credit where it is due. (This is where Shell accuses me of theft. -DKB)

Written by me

Print in bold is plaintiff
Regular print in parenthesis is me

Suzanne.

After I read the post above, I made a mistake. I tried to email the moderator of the group about this latest accusation and instead sent my message to the group. I quickly apologized and deleted the message. To be clear: I stand by what I wrote, but I still maintain that it was inappropriate for the message to be sent to the whole group.

I have reproduced that message here:

- Jane, Suzanne Shell is claiming that I stole something she wrote about taping government agents. I didn't know until just now that she claims to have originated this idea. My own recollection of Shell's statements on taping are that suggested quite a different method

Actually, my interest in exceptions to taping laws began as much of my advocacy strategies do - by the seat of my pants. I had a mom who taped a police officer in an all party state and was threatened with arrest. On the spur of the moment, I had to speak with a supervisor and explain why this mom shouldn't be arrested. I used the "public official does not have an expectation of privacy" argument. It worked. Then, once I caught my breath, I did the research to back it up. This was a really long time ago, before I quit even talking to families if they weren't in Georgia - therefore according to my memory, this would have had to be pre-2001.

Thanks for reading this. If it's alright with you, I'd like to post just the second paragraph of this email to your group.

Dorothy

Only a few minutes later, Shell was responding.

- First, I don't see where anybody, much less me, claimed you 'stole' anything. I suggest you invest in a reading comprehension course to clear up the misinterpretations you are forwarding to your group. (Yes you did. You seem to be the one with the reading comprehension problem. -DKB)

Second, naturally, you will have certifiable and forensically provable unaltered documentation of your

Written by me

*Print in bold is plaintiff
Regular print in parenthesis is me*

priority claim to this other than your "memory." I have a forensic expert standing by to analyze your contribution and mine. Mine, of course, resides in the U.S. Copyright office which, incidentally, supersedes any unreliable and non-documented "memory" claim you are attempting to foist on the unsuspecting public. And, should that proof fail to convince, naturally, we can resort to dueling file creation dates and email dates proving the earliest creation dates. (Oh, blah blah blah. I stand by my statements. Considering your behavior these past several years, I think I'll count on being the one who is more credible. Why don't you sue me? Seriously. -DKB)

Care to take me on - here on this group? Or are you willing to concede and properly attribute the source of that concept and document to the rightful author? I would suspect, not. True to your nature, you will take your complaint behind my back and dare not attempt to prove it here. That is your MO, isn't it?

(There's nothing to concede. I have no obligation to join your little group. I'll say what I have to say publicly and on a setting that I choose. Demanding that people join your group and agree to your bullshit requirements is just more evidence that you are a complete control freak. -DKB)

Oh - BTW - interesting how your first message quoted, "I have seen families get away with hidden taping in 'all party states' by using this argument." without taking credit, and now, TA DA, you take credit. How incredibly inconsistent.

(Has it ever occurred to you that since I am not a complete egomaniac I don't need to pat myself on the back and constantly take credit for everything around me, down to copyrighting the snot that lands in my handkerchief when I sneeze? -DKB)

Regards
Suzanne Shell

Once I realized that my email to the moderator had been posted to the group, I deleted the post and wrote the following apology, titled "OMG - So Sorry":

- I mistakenly sent a private email out to the group!

I have deleted it. It was never my intention to bring any arguments to this group, or to discuss certain issues here. I got distracted and didn't change to "to line." I'm so sorry - lately I seem to be like a squirrel with ADD.

Dorothy

And guess what??? Shell responded:

- Dorothy - interpretation - OMG - I blurted out my malicious and deceitful tattling to the whole world.

Written by MC

.what if I get caught? O:-) (I stand by what I wrote. I may be malicious, but at least I'm not deceitful. - DKB)

Sucks to be vindictive AND brain addled, don't it? :-| (Not really, I've gotten used to it.)

So, Dorothy. . .what's your take on the Cheryl Barnes debacle? Looks to me like she whipped on a four year old baby pretty brutally, and is a filthy, disgusting pig when it comes to housekeeping. You'd think, knowing she is targeted by CPS and the subject of repeated interventions, she'd keep her act clean. Curious why she didn't. Any comments? Disavowals? Excuses? Nah. . . too embarrassing to talk about, right? (Embarrassing? How about totally off topic. You're trying to create a straw man argument to redirect my focus away from responding to your accusations so that you can then say that I "avoided" giving an answer. I know how you operate. And Cheryl Barnes and her unfortunate situation has about as much to do with me as the price of crystal meth down on Broad Street.)

Suzanne



Now, shut up and go away.

→ me

bold print is plaintiff
Regular print in
parenthesis is me

Appendix D

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
FACSIMILE COVER SHEET

Pursuant to D.C.COLO.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 attachments, may be filed with the clerk by means of facsimile during a business day. Facsimiles received by the clerk after 5:00 p.m. (Mountain Time) will be considered filed as of the next business day.

Clerk's Office facsimile telephone number: 303-335-2714

- 1. Date of transmission: August 26, 2009
- 2. Name of attorney or *pro se* party making the transmission: Dorothy Kernaghan-Baez
Facsimile number: 706-736-4832 Telephone number: 706-533-6522
- 3. Case number, caption, and title of pleading or paper: 09-cv-309-MSK-KMT
Reply to #249

- 4. Number of pages being transmitted, including the facsimile cover sheet: 10
Instructions, if any: _____

(Rev. (12/08))

Please file stamp and fax back.
Thank you very much.
DKB