

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Honorable Marcia S. Krieger

Civil Action No. 08-CV-00309 MSK-KMT

SUZANNE SHELL,

Plaintiff,

v.

AMERICAN FAMILY RIGHTS ASSOCIATION, et. al.,

Defendants.

**DEFENDANT KIEFER'S RESPONSE TO PLAINTIFF'S AFFIDAVIT
(#282-2) FILED ON 8/24/09 IN RESPONSE TO DEFENDANT KIEFER'S
MOTION TO QUASH SERVICE AND DISMISS**

COMES NOW, Defendant Cletus Kiefer, a living man, by special appearance, and (pursuant to F.R.C.P.R. 12(b) hereby MOVES this Court to dismiss the Plaintiffs case against him, and for the Court to levy sanctions against Plaintiff. The Defendant Cletus Kiefer in no way voluntarily submits to personal jurisdiction. Ms. Shell's affidavit is totally irrelevant to the matter at hand but because she made these False and Misleading accusations and statements, and repeatedly finds the need to bear false witness, I compelled to tell this honorable court the truth.

In support of this response to the Affidavit, Defendant states as follows:

1. Kiefer Admits he is a member of the board of directors (BOD) of American Family Rights Association (AFRA). **Kiefer Denies** as such that he has any authority over the content of AFRA's web site, AFRA groups and forums and AFRA policy and practices.

2. **Kiefer Denies Knowingly** using the Plaintiff's copyrighted material after she demanded AFRA and Families At Risk (FAR) not use it or mention her name except as noted in statement

3. **Kiefer Admits** he shared the article, *Nazis and CPS found @* <http://movocal.tripod.com/nazisandcps.htm> , on the USA Eagle support group in or about Oct. 1, 2007 Post # 15075 and included the link to the **article** posted on a Public webpage on the internet. This article could be viewed by literally hundreds of thousands of people so it could not possibly be a trade secret or anything other than an article giving Ms. Shell's opinions. Kiefer did not mention the Plaintiff's name because she Demanded I not mention her name, I did however include her INITIALS. The article was publicly published on Missouri VOCAL's website and in their front line Newsletter, in which the Plaintiff did not include a "do not share" warning. This does not in any way show harm or that Kiefer claimed the article as his own, Kiefer did not profit from this article, Kiefer did not falsely advertise. Kiefer's post shows that he just stated it was a very good article and Shows no harm was done as the plaintiff claims. It has always been unclear to the Defendant when an individual person can safely use/give credit to the Plaintiff with the use of her name without the threat being sued by her because she is a Vexatious litigant. Kiefer notes for the record that the Plaintiff's own records of the use/nonuse of her name has always been an issue used by the plaintiff to oppress people for her own financial gains as seen even in this court case. Kiefer requests this court note the Plaintiff's lust for money and the desire to oppress, torture, stalk and harass certain people in the Family Rights Movement. This court case and other cases involving the Plaintiff demonstrate these acts.

4. **Kiefer Denies** that he has ever made any false advertisements about the Plaintiff, or that he in any way ever bore false witness against her. Kiefer and the Plaintiff follow very different paths. Kiefer's Ministry has always followed the teachings of Jesus Christ and the laws of God. Ms

Shell, through her own admissions and actions, tries to use the laws of man for her own purposes to oppress people for financial gains as seen in this case. Kiefer's involvement in the family rights movement is a faith based Ministry and does not constitute a business, Kiefer's employer is the Lord God. **Kiefer's Ministry is not in competition with the Plaintiff unless the Plaintiff now claims that God is one of her does.**

5. The Plaintiff stated "Kiefer has falsely advertised that he won his CPS case and his child was returned. The child actually aged out of foster care before returning home." **My personal family matters are irrelevant to this case and certainly NONE of the plaintiff's concern. I would ask this court Why was the Plaintiff is stalking and spying on my family? Is this another one of her trade secrets? The Plaintiff used this very information to falsely advertise information about Kiefer on her Bad Advocates List (BAL).**

6. It was the Plaintiff who hit reply all and made the threats to everyone she replied to. The ONLY thing Mr. Wiseman posted was the plaintiff's libelous comments about Kiefers and Mr. Wiseman on the Bad Advocate List. It did not constitute her Whole webpage and Mr. Wiseman had every intention of turning the content over to law enforcement which is Legal and Not copyright infringement. Please note Exhibit 1 and who sent that email. Please also note that the Plaintiff's associates Greg Hession and Kay Henson were also included.

7. The Plaintiff states" Kiefer has advertised the he believes advocacy goods and services should be made available to the public at no charge. He makes his goods and services available at no charge." **My ministry involves unwed mothers, unborn children and the word of God. Does the Plaintiff now state she Ministers to unwed mothers and unborn children? It is this defendant's opinion that Ms. Shell does not follow the word of God or I would not be answering the Plaintiff's LIES and misleading affidavit.**

8. I advertised Nothing about her radio show, the plaintiff lies again. I stated in a Private email that the counter showed less than 100 listeners. My question is how did Ms. Shell obtain my private email? Please note Exhibit 2 which clearly shows the Plaintiff's habit of stealing private emails.

9. The Plaintiff's Bad advocate List gave birth to Mr. Wiseman's webpage. Mr. Wiseman Did have a press pass and did Not libel the plaintiff. Most of what he placed on his webpage were rants taken off the plaintiff's PUBLIC group. I personally requested Mr. Wiseman refrain from engaging the Plaintiff in any way.

10. Kiefer denies creating this article or it's content and Kiefer is not responsible for the Plaintiff's guilty conscience. The article clearly shows a Kindergarten bully stalking and harassing others. "Do it my way or else."

11. I would be excited about any training which would help families and if it was at little or no cost I believe it would be a blessing to families with little resources. I deny knowledge of IFAC's training program or its contents\materials. I have never seen IFAC's materials nor have I ever seen the Plaintiff's materials.

12. Mrs. Durand remained Silent about what occurred between her and Ms. Shell. All I can tell this court is one day Mrs. Durand was working with Ms. Shell, and promoted Ms. Shell's seminar, the next minute she refused to say anything about Ms. Shell. After looking through the evidence filed by Ms. Swallow, It would appear that Mrs. Durand was abused by Ms. Shell, expected to violate the laws of God and the laws of man, and Mrs. Durand fears Ms. Shell and her associates. The evidence submitted by Ms. Swallow indicates coercion and blackmail by Ms. Shell and her associates.

13. Mrs. Durand was a member of Ms. Shell's group from October of 2004 until August 2005. It was Kay Henson, Ms. Shell's Florida Director and BOD member who placed Mrs. Durand on

CenCom and a few of the other groups. (Kay Henson was acting as a double agent and member of AFRA's BOD, more evidence of anti trust activities) She had Mr. Henderson add Mrs.

Durand. Mrs. Durand Never mentioned Ms. Shell's trade secrets. As a matter of fact Mrs. Durand used and promoted the methods of Pamela and Will Gaston which the Plaintiff and her associates condemn as "Patriot" law. **(The evidence Ms. Swallow filed PROVES this fact)** I'm sure if this court requires further evidence, I can pull many messages off AFRA CenCom in which Kay Henson, Greg Hession (Another double agent and more evidence of anti trust activity by the Plaintiff and her associates) and Linda Elf (AKA Effie Belou) were trying provoke Mrs. Durand into an argument about "Patriot" law, Hoping Mrs. Durand would lose her temper. Mrs. Durand is a good Christian woman. She prayed for their souls. **(Gregory Hession and Kay Henson were members of AFRA's BOD. Note they NEVER made these claims against Mrs. Durand, never deleted any post she made or ever removed her from any group. They both had the authority to do so. They ONLY stated that she used "PATRIOT" law. Effie Belou\Linda Elf was very vocal on the groups constantly starting sandbox wars by using any possible written word against people on the groups. Note she Never came forward with a claim against Mrs. Durand when it is well known that Effie is the Plaintiff's chief attack dog. Why? Because these allegations are LIES)**

14. The Plaintiff states" Kiefer has published advice and information to consumers on AFRA and other online groups which is erroneous and harmful if employed by the consumer." **Isn't this what the Colorado Supreme Court and Attorney Rocco Merconi said about Ms. Shell? No court or Bar association member has ever made this claim against Mr. Kiefer.**

15. The Plaintiff stated "Kiefer publicly stated that Wiseman's web site was not about bashing me, and endorsed the content of that web site on AFRA groups." **First of all, is Ms. Shell stating she and her associates were bashing themselves? The content of Mr. Wiseman's webpage is Ms. Shell's own public rants. Furthermore I'm not responsible for the content**

of Mr. Wiseman's webpage or the way the Plaintiff views the contents of Mr. Wiseman's webpage. I never publicly endorsed Mr. Wiseman's webpage.

16. Kiefer has admitted his "authority to operate within AFRA and its forums comes from [his] longtime position with AFRA." **This again is irrelevant But I have stated before that I have No authority over AFRA groups. I can be removed from AFRA'S groups at any time.**

17. The Plaintiff states "Kiefer was a primary participant in the sabotage of the agreement between me and then- President of AFRA, Greg Hession, which would have resulted, among other things, in the page from my web site known as the "Bad Advocates" consumer advisory page being removed from publication. Kiefer made it clear he did not want the consumer advisory pulled, he wanted me and my business operations to be eliminated from the market."

Kiefer states that questioning the legality of the agreement mentioned by the Plaintiff does not constitute sabotage in any way or form.

Gregory Hession, an Attorney in Massachusetts, long time friend, associate, advisor and member of Ms. Shell's BOD, was acting unethically by representing both AFRA and Ms. Shell's organization. He also made an arrangement to sign a "contract" with Ms. Shell which would BIND ALL AFRA members to her copyright contract WITHOUT their KNOWLEDGE or PERMISSION. I pointed this out to Gregory Hession and Gregory Hession and Kay Henson resigned their positions on the BOD of AFRA. I believe this is Anti trust, RICO and possibly the Sherman act violations by Ms. Shell and her associates. That was in 2006. This does not constitute trying to eliminate the Plaintiff or her so-called services from her so-called market.

Ms. Shell fully admits the Bad advocate list not only belongs to her but that she and she alone has the authority to remove the LIBELOUS content. As previously pointed out by Defendant Swallow, you cannot copyright a person and the Editors are copyrighted by Ms. Shell as a Pseudonym which is a pen name. Please note Kiefer's Email Exhibit 3 and Exhibit 4.

All of the above is true to the best of my knowledge,

Respectfully Submitted

Cletus W Kiefer, Sui Juris, Pro Se
292 East Ave. STE. 114
St. Louis, Mo. 63119-1702

DATED this _____ day of _____, 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 to the following interested persons on 8th of September, 2009. Defendant will have no contact with Plaintiff via e-mail.

Suzanne Shell
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Elbert, CO 80106

/s Brandy Slater
For Law Office of Dan Slater

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William Wiseman
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/s Brandy Slater

Judge Marcia S. Krieger
Alfred A. Arraj US Courthouse A941
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Denver, Colorado 80294-3589

Cletus W. Kiefer, Sui Juris, Pro Se

DATED this _____ day of _____, 2009.