

**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

**PLAINTIFF'S RESPONSE TO DEFENDANT'S A. DUTKIEWICZ SECOND MOTION
TO DISMISS [#336] FILED ON 10/16/ 2009 and REQUEST FOR SANCTIONS**

COMES NOW Plaintiff Suzanne Shell, *pro se*, in response to the defendant's second motion to dismiss. I contend the defendant's motion should be stricken and the defendant should be sanctioned for filing a frivolous and improper motion.

1. The recommendation of the Magistrate Judge [#331] indicated that the court construed the defendant's Motion to Strike [#280] as a Motion to Dismiss.
2. The Court explicitly advised the defendant she had ten days to file an objection to the recommendation in #331.
3. The defendant did not file a timely objection to the Magistrate Judge's recommendation..
4. Instead, the defendant has filed another motion to dismiss [#336] and memorandum in support of that motion [#337].
5. The defendant's filing of a second motion to dismiss as frivolous because:
 - a. the issues she now raises have been waived by her failure to raise them in her first responsive pleading rendering this motion frivolous and improper, and
 - b. the Court made it clear what her options were—to file a timely objection—in regard to opposing the Magistrate Judge's recommendation, and

c. her refusal, again, to follow the Court's explicit guidance (*see* #205 ¶3),

Accordingly, I respectfully request the Court to strike the defendant's Motion to Dismiss and Quash and respectfully request this Honorable Court to sanction the defendant for her second refusal to follow the Court's advisement, and for filing a frivolous motion for improper purposes.

Respectfully submitted October 16, 2009

/s/ Suzanne Shell

Suzanne Shell
14053 Eastonville Rd.
Elbert, CO 80106
719-749-2971
dsshell@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the attached documents **PLAINTIFF'S RESPONSE TO DEFENDANT'S SECOND MOTION TO DISMISS** [#336] **FILED ON 10/16/ 2009** and attachments were placed in the United States Mail, first class mail, postage prepaid on October 17, 2009

National Association of Family Advocates and
Dorothy Kernaghan-Baez and
Georgia Family Rights, Inc.
each @ 811 Aumond Place East
Augusta, GA 30909

Illinois Family Advocacy Coalition and
Renee Cygan (moved, no forwarding address) and
Mark Cygan
329 N. Cornell Ave. #D
Villa Park, IL 61081

William Wiseman dba Wiseman Studios
811 Aumond Place East
Augusta, GA 30909

Thomas M. Dutkiewicz dba Connecticut DCF Watch
PO Box 9775
Bristol, CT 06011

Susan Adams Jackson
40 Orlando Ave.
Winthrop, MA 02152

Aimee Dutkiewicz
P.O. Box 3022
Bristol, CT 06011-3022

Anne E. Tower and
William O. Tower and
American Family Rights Association
each @ 7334 Chivalry Way,
Citrus Heights, CA, 95621-4333

Dee Contreras
Via email with permission

Brenda Swallow
815 Hilltop Road
Mary Esther, Florida 32569

Cletus Kiefer and FAR Defense Alliance
292 East Ave. Ste 114
St. Louis, MO 63117

Randall Blair
413 Crimson King Circle
Clarkston MI 48346-4240

Leonard Henderson
4773 Salmon River Highway
Otis, OR 97368

Patrick D. Vellone and Jennifer E. Schlatter attorney
for Ringo Kamens/Alex Bryan via Court's ECF
system

Daniel Slater
attorney for Cheryl Barnes, CPS Watch, Inc. and
Sarah Thompson via Court's ECF system

s/ Suzanne Shell October 16, 2009