

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 21 2009

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

**GREGORY C. LANGHAM
CLERK**

Civil Action No. 2009cv00309 - *MSK - KMT*

SUZANNE SHELL

Plaintiff

v.

AFRA, *et al*

Defendants

Motion to Dismiss


Comes now Dorothy Kernaghan-Baez. to move for dismissal based on the following:

1. An identical case is still pending in a California state Court. The plaintiff has informed this Court that the California case has been dismissed, but the California case is still pending.
2. The California case number is: 06AS03504 (Tower v. Shell, *et al*).
3. The California case is a counter-claim arising from a defamation lawsuit brought by William Tower, who is also a defendant in the case before this Court.

4. The plaintiff has motioned the California Court to dismiss this counter-claim, but as of today the California case is still pending. Therefore, this Court does not have subject matter jurisdiction over the plaintiff's claims – the California Court does..
5. Therefore I ask that this Court dismiss the above captioned case with prejudice, order the plaintiff to cease using the legal system to oppress, abuse and harass the defendants, to designate the plaintiff as a "vexatious litigant," and to order the plaintiff to obtain Court permission before filing new lawsuits.
6. I also ask that this Court liberally construe my pleadings, and to take note that any claim not specifically waived is denied.
7. I also ask this Court to take note that I am not acquiescing to personal jurisdiction.

Therefore I ask that this Court grant the above requested items, and for any further relief this Court deems just and proper.

Respectfully submitted,



(Mrs.) Dorothy Kernaghan Baez

811 Aumond Place East

Augusta, Georgia 30909

April 21, 2009

CERTIFICATE OF SERVICE

21st DKB
X

I, Dorothy Kernaghan-Baez, hereby certify that on April 21, 2009,
Served copies of "Motion to Reconsider" on:

Suzanne Shell
14053 Eastonville Road
Elbert, Colorado 80106

Via: certified mail, return receipt requested.

And on:

American Family Rights Association
c/o William Tower
7334 Chivalry Way
Citrus Heights, California 95621

Renee Cygan
329 North Cornell Avenue
#D
Villa Park, Illinois 60181

Mark Cygan
329 North Cornell Avenue
#D
Villa Park, Illinois 60181

William O. Tower
7334 Chivalry Way
Citrus Heights, California 95621

Ann Tower
7334 Chivalry Way
Citrus Heights, California 95621

Leonard Henderson
4773 Salmon River Highway
Otis, OR 97368

Susan Adams Jackson
40 Orlando Avenue
Winthrop, MA 02152

William Wiseman
P.O. Box 693
Klamath Falls, OR 97601

Wiseman Studios
c/o William Wiseman
P.O. Box 693
Klamath Falls, OR 97601

Via: mutually agreed upon electronic means



(Mrs.) Dorothy Kernaghan-Baez

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: Tuesday, April 21, 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: 2009-cv-00309,
Shell v. AFRA et al, Motion to Dismiss

- 4. Number of pages being transmitted, including the facsimile cover sheet: 6
- Instructions, if any: _____

(Rev. (12/08))

Please file stamp and fax back.
Thank you!
-DKB