

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

APR 21 2009

**GREGORY C. LANGHAM**  
CLERK

**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.**

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**MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) and 12(b)(1)**

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**COMES NOW**, the Defendant, Dee Contreras, and moves this Court to Dismiss Plaintiff's Complaint as to Dee Contreras. In support of this motion, Dee Contreras avers as follows:

Plaintiff has not made a claim against Dee Contreras in any capacity and, therefore, has not made a claim upon which damages may be awarded. Where no claim is made, the Court does not have subject matter jurisdiction

Plaintiff's damages and losses are a result of her own behavior and actions.

**AFFIRMATIVE DEFENSES**

1. The Plaintiff's claims are barred by the Doctrine of Unclean Hands;
2. The Plaintiff's claims are barred by the Doctrine of Laches;

3. The Plaintiff has failed to state a claim upon which relief can be made, with regard to Dee Contreras;
4. The Plaintiff's claims as to Dee Contreras are frivolous and intended to harass Defendant, deprive her of her Constitutionally protected right to Freedom of Speech, and are intended to falsely imprison Defendant to prevent her from doing so;
5. The Plaintiff's claims are barred by the Statute of Frauds, wherein it is stated that one party cannot act as guarantor for another party's debt or other obligation; or that one person cannot be held financially responsible for that actions of another person and/or entity without a written, signed contract;
6. The Court does not have subject matter jurisdiction over Dee Contreras as Dee Contreras has not been accused of any wrongdoing. All wrongdoing alleged has been attributed to other Defendants, at times when Dee Contreras was not a member of any online groups; or on groups to which Dee Contreras had no access, did not control, operate or participate in at any time; and/or for infractions which Dee Contreras had no knowledge of.

### **RELIEF**

WHEREFORE, Defendant, Dee Contreras requests the following relief:

- a. that Ms. Shell's Complaint be found to be frivolous as to Dee Contreras;
- b. that this action be dismissed with prejudice as to Dee Contreras;

- c. that this court enter an order enjoining Ms. Shell and/or those for whom she acts as an agent to use any electronic media, including Badadvocates.com, Familyrightsadvocacyimprovementproject.com and/or profanejustic.com, to further defame the character of Dee Contreras, malign her, or otherwise act adversely against her;
- d. that this Court issue an order that all references to Dee Contreras contained in Badadvocates.com, Familyrightsadvocacyimprovementproject.com and/or profanejustic.com be removed;
- e. that Ms. Shell be enjoined from interfering with Dee Contreras' Constitutional right to exercise Free Speech in seeking out and speaking with legislators, and others in Colorado who may be able to create laws, oversee counties and entities, or otherwise provide better oversight for the care of foster children in like situations to that of her grandson;
- f. that this court award appropriate compensation to Dee Contreras for her time in defending this frivolous lawsuit against her, including lost wages; and for costs expended in defending this frivolous lawsuit, including but not limited to filing fees, service of process fees, copy fees, costs of mailing, attorneys' fees, etc.;
- g. that the court determine what percentage of Ms. Shell's alleged losses were caused by her own wrongful, unprofessional or otherwise deterrent behavior;
- h. that the court award punitive damages against Ms. Shell on behalf of Dee Contreras;

- i. that the court provide Dee Contreras with the opportunity to correct deficiencies or errors associated with her pro se pleadings in the interest of justice; and
- j. for such other and further relief as the Court deems appropriate.

Respectfully submitted,

*B Dee Contreras*

Date: April 17, 2009

B. Dee Contreras  
Defendant, Pro Se

B. Dee Contreras  
10571 Colorado Blvd., Apt. B-101  
Thornton, CO 80233  
[Dee7020@aol.com](mailto:Dee7020@aol.com)

Certificate of Service

I hereby certify that on the 17th day of April, 2009, I served a true and correct copy of this Motion to Dismiss Pursuant to FRCP 12(b)(6) and 12(b)(1) and the Memorandum in Support of Motion to Dismiss Pursuant to FRCP 12(b)(6) and 12(b)(1) 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 – via United States Mail to PO Box 52, St. Charles, MO 63301 ✓
✓ 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 – PO Box 3005, Bristol, CT 06011	Connecticut DCF Watch – c/o Thomas Dutkiewicz, PO Box 3005, Bristol, CT 06011
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 – 911 Cliff Dr., Branson, MO 65616	CPS Watch, Inc. c/o Thomas Dutkeiwicz, PO Box 3005, Bristol, CT 06011
✓ Desere' Clabo aka Howard – 4838 Se Isabelita Ave., Stuart, FL 34997	Sarah Thompson - 412 W. Junge Blvd., Joplin, MO 64808 ✓

and upon the Plaintiff, Suzanne Shell, via FedEx to:

Suzanne Shell  
14053 Eastonville Rd.  
Elbert, CO 80106

Dated: April 17, 2009

B. Dee Contreras  
B. Dee Contreras

Defendant:  
B. Dee Contreras  
10571 Colorado Blvd., Apt. B-101  
Thornton, CO 80233