

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|                                                                                     |   |                                        |
|-------------------------------------------------------------------------------------|---|----------------------------------------|
| <b>DEBORAH R. DOLEN aka Author</b>                                                  | § | <b>Civil Action No.: 4:08-cv-03708</b> |
| <b>“Mabel White”</b>                                                                | § |                                        |
| <b>Plaintiff,</b>                                                                   | § |                                        |
| v.                                                                                  | § | <b>Judge: Nancy F. Atlas</b>           |
|                                                                                     | § |                                        |
| <b>JULIE RYALS aka THE DESIGN<br/>SHOPPE, &amp; JANE DOE LIBEL<br/>CYBERSTALKER</b> | § | <b>JURY DEMANDED</b>                   |
|                                                                                     | § |                                        |
| <b>Defendants.</b>                                                                  | § |                                        |

**DEFENDANT JULIE RYALS’  
ANSWER AND COUNTERCLAIMS**

Defendants Julie Ryals (hereafter referred to as “Defendant” and/or “Ryals”) files this, her Answer to Plaintiff Deborah Dolen’s (hereinafter “Plaintiff” or “Dolen”) First Amended Complaint and Counterclaims.

**I. ANSWER**

1. Ryals admit that, to the extent that any claim has been stated, this Court has jurisdiction based on diversity, but denies the remainder of the allegations of paragraph 1 of the First Amended Complaint.

2. Ryals admit diversity exists as alleged in paragraph 2, but denies the remainder of the allegations contained in paragraph 2 of the First Amended Complaint.

3. Ryals denies that there is any basis in law of fact for the relief demanded in paragraph 3 of the First Amended Complaint and denies the remainder of the allegations contained in paragraph 3.

4. Ryals denies that there is any basis in law of fact for the relief demanded in paragraph 4 of the First Amended Complaint

5. On information and belief, Ryals admit that Plaintiff is a resident of Brazoria County, Texas and that Plaintiff refers to herself as Deborah Dolen and Mabel White as alleged in paragraph 5, but denies the remainder of the allegations contained in paragraph 5.

6. Ryals admit she is a resident of New Port Richey, Pasco County, Florida as alleged in paragraph 6 and owns [www.diyshoppes.com](http://www.diyshoppes.com), but denies the remainder of the allegations contained in paragraph 6 of the First Amended Complaint.

7. Ryals denies the allegations in Paragraph 7 of the Amended Complaint.

8. Ryals denies the allegations in Paragraph 8 of the Amended Complaint.

9. Ryals specifically denies that she is partners with any person named as a defendant. Upon information and belief, Ryals admits that Mary Joanne Kidd, Jeffery A. Kidd and Mary Harvey live in Jacksonville, FL, but is without sufficient information to form a belief as to the remainder of the allegations in Paragraph 9 and therefore denies the same.

10. Upon information and belief, Ryals admit that Plaintiff owns DeborahDolen.com and MableWhite.com, but denies the remainder of the allegations contained in paragraph 10.

11. Ryals denies the allegations contained in paragraph 11.

12. Ryals admits that she has control over [www.diyshoppes.com](http://www.diyshoppes.com), [www.thedesignshoppe.com](http://www.thedesignshoppe.com), and [www.mompack.com](http://www.mompack.com), denies that she shares any control, jointly or severally over [www.bustedscammers.com/](http://www.bustedscammers.com/). Ryals admits that she archived her website pages and replaced them with pages that did not link to the bustedscammers.com page in response to a demand to do so by Plaintiff. Ryals denies the remainder of the allegations contained in paragraph 12.

13. Ryals denies the allegations contained in paragraph 13.

14. Ryals denies the allegations contained in paragraph 14.

15. Ryals denies the allegations contained in paragraph 15.

16. Ryals denies the allegations contained in paragraph 16.

17. Ryals denies the allegations contained in paragraph 17.

18. Ryals denies the allegations contained in paragraph 18.

19. Ryals denies the allegations contained in paragraph 19.

20. Ryals denies the allegations contained in paragraph 20.

21. Ryals denies the allegations contained in paragraph 21.

22. Ryals is without sufficient information to admit or denies the allegations contained in paragraph 22 and therefore denies the allegations of this paragraph.

23. Ryals admits that Blossom Farms owes her money and that the displayed bills are accurate, but denies the remainder of the allegations contained in paragraph 23.

24. Ryals denies the allegations contained in paragraph 24.

25. Ryals denies the allegations contained in paragraph 25.

26. Ryals denies the allegations contained in paragraph 26.

27. Ryals denies the allegations contained in paragraph 27.

28. Ryals denies the allegations contained in paragraph 28.

29. Ryals denies the allegations contained in paragraph 29.

30. Ryals denies the allegations contained in paragraph 30.

31. Ryals denies the allegations contained in paragraph 31.

32. Ryals denies the allegations contained in paragraph 32.

33. Ryals denies the allegations contained in paragraph 33.

34. Ryals denies the allegations contained in paragraph 34.

35. Ryals denies the allegations contained in paragraph 35.

36. Ryals denies the allegations contained in paragraph 36.

37. Ryals denies the allegations contained in paragraph 37.

38. Ryals denies the allegations contained in paragraph 38.

39. Ryals admits that she is the web host for [www.bustedscammers.com](http://www.bustedscammers.com) and that the [www.bustedscammers.com](http://www.bustedscammers.com) site acknowledged that she is the web host, but denies the allegations contained in paragraph 39.

40. Ryals is without sufficient information to admit or denies the allegations contained in paragraph 40 and therefore denies the allegations of this paragraph.

41. Ryals denies the allegations contained in paragraph 41.

42. Ryals denies the allegations contained in paragraph 42.

43. Ryals denies that there is any basis in law or fact for any of the relief requested in the Prayer.

## **II. AFFIRMATIVE DEFENSES**

44. Ryals incorporates the statements of the foregoing paragraphs 1-43.

45. To the extent that paragraph 32 of the Amended Complaint asserts that Ryals infringes upon a copyright owned by Dolen, Ryals asserts that, upon information and belief, Dolen has not sought or obtained a copyright registration as required to maintain a cause of action for copyright infringement. Therefore, the copyright claim must be dismissed as a matter of law.

## **III. COUNTERCLAIMS**

46. Ryals incorporates the statements of the foregoing paragraphs 1-45.

47. Ryals is an individual residing in Florida.

48. The Court has jurisdiction over these counterclaims under 28 U.S.C. §§ 1338(a), 2201 and 2202.

**Facts common to Counterclaims**

49. Plaintiff Deborah Dolen has used various aliases to post disparaging remarks regarding Ryals on several websites, including without limitation the Topix website that Plaintiff complains of.

50. Plaintiff Deborah Dolen has used various aliases to post personal identifying information regarding Ryals on at least the Topix website that Plaintiff complains of, including their names, addresses and phone numbers and other identifying information which is not generally known to the public. Topix has removed some of that information, but not all of it.

51. Plaintiff Deborah Dolen has used various aliases to post allegations regarding Ryals on at least the Topix website that Plaintiff complains of which are false, misleading and both libelous and slanderous to Ryals.

52. Plaintiff Deborah Dolen, prior to filing this action, called and otherwise corresponded with Ryals' staff and customers and threatened and was otherwise verbally abusive them.

**Injunctive Relief**

53. Until and unless enjoined by the Court, it is likely that Deborah Dolen will continue to threaten, libel and slander Ryals and her staff and customers and disclose their confidential information on public forums, to the detriment of Ryals. Therefore, Dolen and anybody working in concert or privity with her, including any employees that she alleges she may have, should be enjoined from any further contact with Ryals, her staff and/or her customers except to the extent that it may be necessary in pursuing the other defendants, if any, herein, ordered to make any such contact through Ryals' counsel of record, and be ordered not to

disclose, comment on or otherwise identify Ryals in any forum outside of this suit, including in particular on any Topix or other chat room board, regardless of what alias Plaintiff might use.

### **Copyright Related Relief**

54. As noted above, on information and belief, Dolen has wholly failed to seek or obtain any copyright registration as a condition precedent to claiming copyright infringement.

55. As a result of the lack of any registration, Ryals is entitled, pursuant to 17 USC § 411, Dolan has no standing to seek redress under the copyright statutes.

56. As the prevailing party to a copyright claim, Ryals is entitled to recover her full costs, including a reasonable attorney's fee, pursuant to 17 USC § 505.

### **Cybersquatting**

57. Dolen, immediately prior to filing this suit, registered the domain name [www.JulieRyals.com](http://www.JulieRyals.com) Since that time, Dolen has threatened to sell it to "child pornographers" and has published malicious material regarding Julie Ryals on that site.

58. Dolen has no reasonable business use or need for the website and is clearly using it to harass and embarrass Julie Ryals, not for any legitimate purpose.

59. Dolen registered the domain name [www.JulieRyals.com](http://www.JulieRyals.com) in bad faith as that term is defined in 15 USC § 1125,

60. Ryals is entitled to the transfer of the domain name [www.JulieRyals.com](http://www.JulieRyals.com) from Dolen to Ryals pursuant to USC § 1125 (c)(1)(C).

**PRAYER FOR RELIEF**

WHEREFORE, Julie Ryals requests the following relief:

- a. the entry of a take nothing judgment against Ryals on all counts;
- b. a protective order directing Deborah Dolen and anybody acting in concert of privity with her to cease, desist and avoid:
  - i. any further contact with Ryals and/or any of Ryals staff or customers except to the extent that it may be necessary in pursuing the other defendants, if any, herein, except that any such contact necessary to pursue any other claims she may have may be made through Ryals' counsel of record;
  - ii. any further disclosure, comment on or otherwise identifying Ryals, her family members or her staff in any forum outside of this suit, including in particular on any Topix or other chat room board, regardless of what alias Plaintiff might use;
- c. an award to Ryals of costs, including attorney's fees pursuant to 17 USC § 505;
- d. an award to Ryals of costs and attorney's fees to the extent they are not awarded pursuant to 17 USC § 505;
- e. an order transferring the domain name [www.JulieRyals.com](http://www.JulieRyals.com) from Deborah Dolen to Julie Ryals;
- f. an award of pre- and post-judgment interest; and
- g. such other and further relief as the Court may deem just and appropriate.

Dated: February 18, 2009

Respectfully submitted,

/s/ Kent A. Rowald /s/

Kent Rowald

State Bar No. 17329300

S.D. No. 11365

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**ATTORNEYS FOR DEFENDANT  
JULIE RYALS**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **DEFENDANT JULIE RYALS' AND COUNTERCLAIMS** has been served on Plaintiff, Deborah Dolen via facsimile, and/or prepaid first class mail, and/or electronic mail and/or in accordance with the Electronic Court filing system guidelines on February 18, 2009.

/s/ Kent A. Rowald /s/

**Kent A. Rowald**