



websites, including without limitation the Topix website that Plaintiff complains of and on the [www.JulieRyals.com](http://www.JulieRyals.com) website that Plaintiff has improperly and illegally obtained and controlled.

5. Plaintiff Deborah Dolen has, both before and after filing this lawsuit and her bankruptcy, used various aliases to post personal identifying information regarding one or more of Defendants and/or Third Party Plaintiff 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.

6. Plaintiff Deborah Dolen has used various aliases to post allegations regarding Defendants and/or Third Party Plaintiff on at least the Topix website that Plaintiff complains of which are false, misleading and both libelous and slanderous to Defendants and/or Third Party Plaintiff.

7. Plaintiff Deborah Dolen, after filing this action, filed a complaint with the Texas State Bar Ethics Committee alleging that Third Party Plaintiff, by filing answers, counterclaims and motions for summary on behalf of Defendants against Plaintiff, violated Texas State Bar Ethics rules. The Texas State Bar Ethics Committee dismissed the complaint as being baseless prior to Rowald even being served with the Complaint, much less answering the allegations.

8. Despite the findings that the Ethics complaint was baseless, Plaintiff published the complaint on at least the JulieRyals.com website with a claim that the allegations were entirely accurate and violated ethics rules.

9. The allegations were not only not accurate, but they failed to even state any alleged ethics rules violations.

10. Plaintiff has, on one or more websites, further identified one or more of Rowald's former clients and falsely alleged that Rowald represented them in matters relating to pornography. Plaintiff has also identified such former clients and falsely asserted that they are law partners with Rowald.

11. The former client alleged to be a law partner of Rowald is not believed to be an attorney and is not in any way involved with Rowald, his law firm or with anyone know to Rowald to the best of Rowald's knowledge. It is possible that the former client is still a client of a prior firm which Rowald was a partner of, but that is not known at this time.

12. Plaintiff's false allegation that Rowald is in a law partnership with a non-lawyer is tantamount to falsely asserting that Rowald is breaking at least the Bar ethics rules regarding who may or may not be in a law partnership in the State of Texas and may be construed to suggest a false and improper fee splitting arrangement. Such allegations of violation of the law are libel and slander per se.

13. Plaintiff, prior to alleging that Rowald was involved in promoting and protecting pornographers, threatened to publish allegations that the Defendants represented by Rowald were pornographers, to place such false representations on foreign servers where it would be difficult or impossible to obtain the removal of such false allegations. Thus it is clear that Plaintiff has no regard for the truth of the allegations and in fact has made them with willful and malicious intent to injure and harm Rowald and his firm.

14. Plaintiff has made such false allegations regarding Rowald with malicious intent to harm Rowald's law practice and has made such threats against the Defendants in this case in an attempt to extort them into paying her even though there is no cognizable basis for any claim that they owe her anything.

### **Libel and Slander**

15. Plaintiff's publications constitute libel and slander under Texas common law and libel and slander.

16. Plaintiff's intentional and malicious publication of the confidential ethics complaint, combined with the false allegations on the website(s) that the complaint contained accurate representations and stated actionable claims, has caused at least one if not more potential clients to choose representation other than Rowald. As a result, Rowald has been damaged in an amount to be determined at trial.

### **Libel and Slander Per Se**

17. Plaintiff's publications constitute libel and slander under Texas common law and libel and slander *per se*.

18. Plaintiff's intentional and malicious publication of the confidential ethics complaint, combined with the false allegations on the website(s) that the complaint contained accurate representations and stated actionable claims, has caused at least one if not more potential clients to choose representation other than Rowald. As a result, Rowald has been damaged in an amount to be determined at trial.

19. Plaintiff's intentional and malicious publication of the false and defamatory claim that one of Rowald's prior clients was a pornographer at the time Rowald represented that client and suggestion that the representation related to pornography is without basis in law or fact and was made with the knowledge that such allegations were false. It is not known at present whether any specific clients or prospective clients were lost as a result of such libel and slander, but as a result of such libel and slander *per se*, Rowald is entitled to actual damages that may be

proven at trial, plus exemplary and punitive damages, plus attorneys fees and costs as may be proven.

### **Tortious Interference With Actual and Prospective Business Relationships**

20. Plaintiff's intentional and malicious publication of the confidential ethics complaint, combined with the false allegations on the website(s) that the complaint contained accurate representations and stated actionable claims, has caused at least one if not more potential clients to choose representation other than Rowald. As a result, Rowald has been damaged in an amount to be determined at trial.

21. Plaintiff's intentional and malicious publication of the false and defamatory claim that one of Rowald's prior clients was a pornographer at the time Rowald represented that client and suggestion that the representation related to pornography is without basis in law or fact and was made with the knowledge that such allegations were false and likely to cause one or more potential clients of Rowald to seek other representation in intellectual property related matters. As a result, Rowald is entitled to actual damages that may be proven at trial, plus exemplary and punitive damages, plus attorneys fees and costs as may be proven.

### **Civil Liability for Criminal Activity**

22. In her post bankruptcy tirades on various chat sites, Plaintiff has consistently and routinely, with malice aforethought, committed a third degree felony by violating at least Section 33.07(a) of the Texas Penal Code which states in pertinent part that it is a third-degree felony if a person uses the name or persona of another to create a web page or to post one or more messages on a commercial networking site and does so without obtaining the other person's consent and with the intent to harm, defraud, intimidate, or threaten any person. Notably, the statute expressly provides that conduct that constitutes an offense under this section also constitutes an

offense under any other law, the actor may be prosecuted under this section, the other law, or both. Thus, it is entirely permissible for this Court to award damages under civil liability principles without expressly finding that the criminal statute has been violated.

23. More particularly, since September 1, 2009, Plaintiff has posed as at least Kent Rowald, Julie Ryals and Joanne Kidd without their permission and posted on the Topix website about Kent Rowald, Julie Ryals and Joanne Kidd and others in attempts to harm, defraud, intimidate, and threaten each of them and, with regard to Ms. Kidd, her minor children. Topix qualifies as a commercial networking site under the definitions set forth in the statute.

24. In addition, on information and belief, Plaintiff has violated the penal code by modifying and maintaining, since the effective date of the penal statute, the clearly misleading website using the domain [www.JulieRyals.com](http://www.JulieRyals.com), including material misrepresentations about this case, all without the permission of Julie Ryals.

25. A finding of criminal liability is not being sought in this Third Party Complaint, but it is noted that such criminal activity is consistent with the long history that Plaintiff has with the criminal justice system.

26. Plaintiff has harmed each of the other parties to this action with her criminal activity as well as third parties. To the extent that the harm may be quantified, damages for such harm resulting from Plaintiff's criminal acts is requested.

27. In addition, an injunction preventing further criminal activity violating the Texas statute noted above is requested.

### **Injunctive Relief**

28. Until and unless enjoined by the Court, it is likely that Deborah Dolen will continue to threaten, libel and slander Rowald on public forums, to the detriment of Rowald and

his firm. 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 Rowald, his staff and/or his clients or potential clients except to the extent that it may be necessary in pursuing the other defendants, if any, herein, and be ordered not to disclose, comment on or otherwise identify Rowald or his firm in any forum outside of this suit, including in particular on any Topix or other chat room board or any website controlled by Plaintiff, regardless of what alias Plaintiff might use.

### **PRAYER FOR RELIEF**

WHEREFORE, Kent A. Rowald requests the following relief:

- a. an order directing Deborah Dolen and anybody acting in concert of privity with her to:
  - i. cease, desist and avoid any further contact with Rowald's and/or any of Rowald's firm's staff or clients or prospective clients except to the extent that it may be necessary in pursuing the other defendants, if any, herein, except to the extent that such contact is necessary to pursue any claims she may have against persons already represented by Rowald;
  - ii. cease, desist and avoid any further disclosure, comment on or otherwise identifying Rowald, his firm, or his former, current or potential clients, 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 or any website controlled by Plaintiff;
  - iii. take down, remove or, to the extent possible, cause others to delete, remove or avoid any publication or further comment on Rowald or this case or Dolen's baseless ethics complaint from any website which has, at Dolen's direction, whether direct or indirect, published or caused to be published, such commentary or allegations;
- b. an award to Rowald of the damages attributable to Plaintiff's libel and/or slander;

