

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**DEBORAH R. DOLEN aka Author
“Mabel White”**

Plaintiff,

v.

**JULIE RYALS aka THE DESIGN
SHOPPE, & JANE DOE LIBEL
CYBERSTALKER**

Defendants.

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Civil Action No.: 8:09-cv-02120-SDM-AEP

Judge: Steven D. Merryday

JURY DEMANDED

**DEFENDANTS MARY JOANNE KIDD, JEFFERY A. KIDD AND MARY HARVEY’S
ANSWER TO SECOND AMENDED COMPLAINT AND COUNTERCLAIMS**

Defendants Mary Joanne Kidd (hereafter referred to as “Joanne Kidd”), Jeffery A. Kidd and Mary Harvey (jointly referred to herein as “Defendants” and/or “The Kidds”) file this, their Answer to Plaintiff Deborah Dolen’s (hereinafter “Plaintiff” or “Dolen”) Second Amended Complaint and Counterclaims and would show as follows:

ANSWER

1. The Kidds aver that, although they were initially named in this suit, all allegations against them were deleted by Dolen in the Second Amended Complaint. Therefore, they do not believe that there are any allegations in the Second Amended Complaint which require any answer by them. However, in an abundance of caution and in light of the Court’s recent Order to specifically restate counterclaims raised in this case, the Kidds generally deny each and every allegation in the Second Amended Complaint, if any, which could be construed to make any claims against them.

2. The Kidds further aver that Dolen's attempt to dismiss them by simply omitting them from the Second Amended Complaint, to the extent that it is interpreted to be an attempt to dismiss pursuant to F.R.C.P. Rule 41 (a)(2), should not be dismissed without conditioning such a dismissal as being with prejudice to refiling.

II. COUNTERCLAIMS

3. The Kidds are individuals residing in Florida.

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

Facts common to Counterclaims

5. Except as noted below, each of the following factual allegations are made with respect to events which occurred on or after January 27, 2009 and thus are not barred or otherwise affected by Dolen's bankruptcy filed on January 26, 2009.

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

7. Plaintiff Deborah Dolen has used various aliases to post personal identifying information regarding The Kidds 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.

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

9. Plaintiff Deborah Dolen, prior to filing her bankruptcy, called Mary Harvey on the telephone and threatened and otherwise verbally abused her.

10. Until and unless enjoined by the Court, it is likely that Deborah Dolen will continue to threaten, libel and slander The Kidds and disclose their confidential information on public forums, to the detriment of The Kidds. 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 The Kidds except to the extent that it may be necessary in pursuing the other defendants, if any, herein, ordered to make any such contact through the Kidds' counsel of record, and be ordered not to disclose, comment on or otherwise identify the Kidds 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.

PRAYER FOR RELIEF

WHEREFORE, Mary Joanne Kidd, Jeffery A. Kidd and Mary Harvey request the following relief:

- a. the entry of a dismissal with prejudice of all claims which Dolen has or could have asserted against The Kidds;
- b. ordering plaintiff to take any and all necessary steps to remove Kidds personal identifying information from any and all websites where she has posted such information, including without limitation on www.RipOffReport.com.
- c. 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 Mary Joanne Kidd, Jeffery A. Kidd and/or Mary Harvey 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 the Kidds' counsel of record;
 - ii. any further disclosure, comment on or otherwise identifying Mary Joanne Kidd, Jeffery A. Kidd and/or Mary Harvey 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;
- d. an award to The Kidds of costs and attorney's fees;

