

YAV No. 411345

Form 5.07

2013

Supreme Court of Nova Scotia

Between:

Trout Point Lodge, Vaughn Perret, and Charles Leary	Applicant(s)
and	
Douglas K. Handshoe	Respondent(s)

Notice of Application in Court

To: Douglas K. Handshoe

The applicant requests an order against you

The applicant is applying to the court for an order

declaring the infringement of their copyright by the Respondent, a permanent injunction, delivery or destruction of all infringing materials, and damages, including statutory damages, pursuant to ss. 2, 2.2, 3, 5, 6, 13(1), 14.1, 14.2, 27, 28.1, 28.2, 34(1)-(3), 34.1, 35, 38, and 53 of the Copyright Act, R.S.C. 1985, c. C-42 as amended.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds:

1. Applicant Trout Point Lodge, Limited, is a Nova Scotia Limited Company resident in Kemptville, Yarmouth County, Nova Scotia, and currently registered with the Nova Scotia Registry of Joint Stocks.
2. Applicants Vaughn Perret and Charles Leary are the Managing Directors of Trout Point Lodge. Both are residents of Canada.
3. Respondent Doug K. Handshoe is a blogger and resident of Bay St. Louis, Mississippi, U.S.A.. He is the sole proprietor of Slabbed New Media.
4. New Dream Network, LLC is a California company resident in Brea, California. It operates DreamHost, which provides domain registration and web site hosting services, including to Respondent Handshoe.
5. DreamHost does business with persons and entities in Nova Scotia, Canada. DreamHost is the host of slabbed.org.
6. The Applicants say that the Respondent is liable for multiple instances of copyright infringement involving photographs of the plaintiffs.
7. Handshoe targets a Nova Scotia audience, uses Nova Scotia source material, and publishes on Nova Scotia topics.
8. Handshoe uses his web site as a commercial enterprise.
9. Respondent was found liable for defamation and other causes of action by the Nova Scotia Supreme Court (NSSC) in February, 2012; he is in notorious public violation of 2 NSSC injunctions and has continued his campaign of defamation against Applicants. The copyrighted photographs at issue here were and are published in the context of that defamation campaign. The Applicants attach hereto as Exhibit "A" their

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original Statement of Claim with file no Yar No. 409679 and re-allege as true all allegations contained therein in this Application as necessary background to the copyright violations. That Statement of Claim has subsequently been amended.

10. This court has proper jurisdiction under the Copyright Act 41.24. The Applicants move by way of Application as anticipated by Copyright Act 34.4, "summary proceedings."

11. On or around November 4, 2011 the Respondent caused to be published on the web site slabbed.org an image of Trout Point Lodge that is the creative product of Vaughn Perret and the intellectual property of Trout Point Lodge, Limited. The image was taken from a web page where it is clearly stated on each page: "All Rights Reserved © 2008-2013 by Trout Point Lodge, Limited. All photographs are the original creative product of Vaughn Perret & Charles Leary unless otherwise noted." The image was stored at: http://www.canticumhotels.com/sitebuildercontent/sitebuilderpictures/IMG_8454a.jpg and was transmitted to that location (uploaded) from Nova Scotia.

12. The image was published by the Respondent at the url <http://www.slabbed.org/2012/01/29/hell-likely-be-remembered-here-for-being-a-part-of-the-gang-that-made-the-times-picayune-eat-its-own-big-toe/>, and <http://www.slabbed.org/tag/daquila-volk-mullins-contreras> among numerous other places and instances of online publication that the Applicants will prove at the hearing of this application.

13. Vaughn Perret is the author of the work in question. He was at all relevant times a resident of Canada. He has moral rights in the image under the Copyright Act.

14. On or around November 21, 2011, the Respondent caused to be published on the web site slabbed.org an image that is the intellectual property of Charles Leary and was formerly the intellectual property of the Ashoka Foundation of Washington, D.C. There were numerous instances of infringing publication of this image by the Defendants, which the Applicants will prove at the hearing.

15. The Applicants have uploaded this copyrighted image to the Internet from Nova Scotia. Specifically, the image appears on the Trout Point Lodge blog at <http://troutpointlodge.wordpress.com/2010/02/03/presentation-by-charles-leary-at-the-2010-geotourism-summit/>.

16. On information and belief, the author of the work in question was at all relevant times a citizen and resident of the United States of America.

17. The United States of America is a "treaty country" for purposes of the Canada Copyright Act.

18. In December, 2012, the Ashoka Foundation in writing assigned to the Applicant Charles Leary its rights generally, including the right of action, to the intellectual property in the work published by the Defendant in accordance with the Copyright Act 13.4 and 13.6. The agreement stated that the works are the "exclusive intellectual property" of the Applicant, and under the Copyright Act, the Applicant Leary is therefore the "owner" of the works.

19. In December, 2012 and at other times, the Respondent published an image at slabbed.org that is the intellectual property of Trout Point Lodge, Limited. From Nova Scotia, the Applicants provided this image to the Toronto Star newspaper. With Applicants' permission, the Star subsequently published the image at its web site: <http://www.thestar.com/news/canada/article/1125508--mississippi-blogger-must-pay-a-gay-couple-425-000-in-damages-nova-scotia-court-orders>

20. There were and are multiple instances of infringing publication of this image by Respondent.

21. The original photograph was taken by Trout Point Lodge employee Kara Crowell in the performance of her job and is the intellectual property of Trout Point Lodge. Kara Crowell was at all times a resident of Nova Scotia.

22. Section 3 of the Copyright Act grants the Applicants the sole right as the owner of copyright to produce or reproduce the work or any substantial part thereof in any material form whatever.

23. In particular, the Applicants are the owners of the intellectual property rights to these three images.

24. The Respondent was previously aware that the Applicants owned the intellectual property rights to these images when he made publications using these images.

25. The Applicants notified DreamHost in writing that it was without permission or authority publishing material that was the intellectual property of the Applicants, and asked it to remove this specific material from Internet publication.

26. DreamHost in turn notified Respondent Handshoe and temporarily removed the infringing images from publication.
27. Respondent Handshoe then transmitted counter notifications to DreamHost in which he swore under the penalty of perjury that removing the images from publication was in error, and that he had permission or legal authority to publish the images on slabbed.org.
28. The Respondent has not permanently removed the 3 specifically-identified works from worldwide publication on the Internet. The Respondent acted and continues to act in bad faith.
29. The images are published on the Internet in juxtaposition with defamatory words about the Applicants, in public violation of 2 NSSC injunctions.
30. The Respondent is in violation of provisions of the Canada Copyright Act, and has knowingly made extensive, worldwide, for-profit publication of works that by the Act only the Applicants had the right to publish. In addition, in multiple instances of secondary infringement, the Respondent is distributing the works to such an extent as to affect prejudicially the Applicants, and is by way of trade distributing, exposing and exhibiting the works in public, as well as possessing the works for the purpose of doing the things referred to above. The Applicants say that the Respondent knows or should have known that his distribution and possession of the works infringes copyright or would infringe copyright if it had been made in Canada by the person who made it.
31. The Respondent has infringed the Applicants' copyright, by virtue of having reproduced, or otherwise produced, all or a substantial part of the Applicants' photographs, or having otherwise authorized such acts, contrary to Sections 3 and 27 of the Copyright Act R.S.C. 1985, c. C-42, as amended, including without limitation by displaying the images on the website slabbed.org.
32. The Applicants seek a declaration of infringement of their copyright by the Respondent, a permanent injunction, delivery or destruction of all infringing articles and materials, and damages including statutory damages pursuant to ss. 2, 2.2, 3, 5, 6, 13(1), 14.1, 14.2, 27, 28.1, 28.2, 34(1)-(3), 34.1, 35, 38, and 53 of the Copyright Act, R.S.C. 1985, c. C-42 as amended.

Witnesses for applicant

The applicant expects to file affidavits from the following witnesses, dealing with the following subjects:

	<i>Name of Witness</i>	<i>Subject</i>
	Vaughan J. Perret	moral rights; ownership of copyright
	Charles L. Leary	ownership of copyright
	Kara Crowell	authorship of photograph as employee of Lodge

Motion for directions and date

At 9:30 a.m. on , February 7, 2013 , the applicant will appear before a judge at the Courthouse Main Street, Yarmouth , Nova Scotia to make a motion for an order giving directions and appointing a time, date, and place for the hearing. The judge may provide directions in your absence, if you or your counsel fail to attend.

Affidavit on motion for directions

CC The applicant files the affidavit of Charles L. Leary , sworn on January 22, 2013 as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

You may participate

You may file with the court a notice of contest, and any affidavit for the motion for directions, no more than fifteen days after this notice is delivered to you or you are otherwise notified of the application. Filing the notice of contest entitles you to notice of further steps in the application.

Possible final order against you

The court may grant a final order on the application without further notice to you if you fail to file a notice of contest, or if you or your counsel fail to appear at the time, date, and place for the motion for directions.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary

164 Main

Street, Yarmouth

Nova Scotia (telephone # 902-742-4142).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:

P.O. Box 456

Kemptville, NS B0W 1Y0

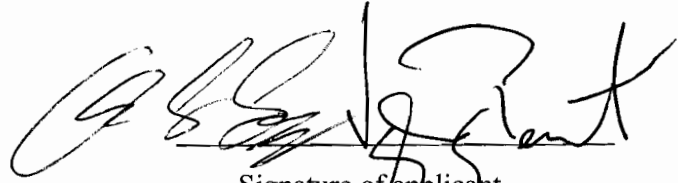
Documents delivered to this address are considered received by the respondent on delivery.

Further contact information is available from the prothonotary.

Signature

LLL

Signed January 23, 2013



Signature of applicant

Print name: Charles Leary & V. Perret

[or]

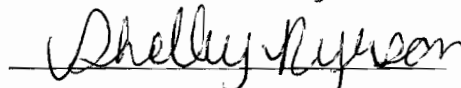
Signature of counsel

as counsel

for

Prothonotary's certificate

I certify that this notice of application was filed with the court on *January 23, 2013*



Prothonotary **Shelley Ryerson**
Deputy Prothonotary

E. J. A.

STATEMENT OF CLAIM

1. **Subject Matter & Personal Jurisdiction:** Defendant Handshoe aimed his Internet publications about the plaintiffs to Nova Scotia. Defendant Automattic hosted those publications, and also does substantial business in, and has substantial contacts with Nova Scotia. Handshoe used Nova Scotia source material, including online resources of the Government of Nova Scotia and Nova Scotia court filings, as well as personal informants resident in Nova Scotia. Handshoe published on Nova Scotia topics besides the Plaintiffs, including racism alleged in the Shelburne mayoral race in 2012 as well as the loss of air service between Maine and Yarmouth, NS.
2. Handshoe had a Nova Scotia audience and intentionally caused the greatest injury to the Plaintiffs in this province, which was the place of most substantial harm to reputation. Handshoe interacted with Nova Scotia, via his web site as well as other means of telecommunication. In other words, there were real and substantial connections between the Defendant Handshoe and Nova Scotia. The Nova Scotia Supreme Court has valid personal and subject matter jurisdiction over Handshoe and Automattic, whether under a Canadian or United States legal standard. A Nova Scotia court is also the proper forum.
3. **Parties:** The plaintiff Charles Leary is a Managing Director and hands-on proprietor of Trout Point Lodge, and holds a PhD in history from Cornell University. The Plaintiff Vaughn Perret is a Managing Director and hands-on proprietor of Trout Point Lodge, and holds a JD from Cornell University. Though he has not practiced law in many years, he maintains membership in the New York Bar and is on leave of absence in good standing from the Louisiana State Bar Association. The Plaintiff Trout Point Lodge is a Nova Scotia limited company and has operated an acclaimed accommodation and restaurant business in Nova Scotia, Canada since 2000. All three are resident in Kemptville, Yarmouth County, Nova Scotia.

4. Handshoe repeatedly refers to the personal plaintiffs as “the girls,” “the goatherders” and as “cockroaches.”
5. The Defendant Douglas K. Handshoe is Certified Public Accountant and publisher of the blog “Slabbed” at slabbed.wordpress.com and slabbed.org. He resides in Bay St. Louis, Mississippi and works from an office in Wiggins, Mississippi. On Slabbed and other Internet forums, Handshoe consistently used the monikers “Sop81_1” and/or “sop.” Slabbed claimed to receive more than 40,000 monthly views by March, 2011, with viewership rising.
6. At relevant times, Slabbed hosted Google AdWords, and on information and belief the Defendant Handshoe gained commercially from its publications.
7. At relevant times, Defendant Handshoe also solicited and received funds to continue his “investigations” of the Plaintiffs including receiving monies by cash, wire, post, and/or PayPal.
8. The Defendant Automattic, Inc. is a Delaware corporation headquartered in, and operating out of San Francisco, California. It owns and operates WordPress.
9. The interactive computer service providing hosting, design, and interactivity to the Defendant Handshoe's informational content belonged to Defendant Automattic, Inc. Automattic remained a host of components of Handshoe's defamatory publications at all relevant times, up to the date of this filing.
10. The defendant Handshoe was also an information content provider for third-party web sites, including but not limited to web sites “Gulf Coast Rising” and “New Orleans Ladder.”

Who is Doug Handshoe?

11. Handshoe is demonstrably an inveterate liar, has no tendency for veracity, uses unreliable sources if he uses any sources at all, is utterly inconsistent, and fails to fulfill basic tasks of responsible communication or journalistic inquiry before making publication, not only about the Plaintiffs, but third parties as well. Handshoe is prone to conspiracy theories.

12. At a January 30, 2012, Nova Scotia Supreme Court (NSSC) evidentiary hearing the first matter of business was to confirm that Handshoe had received timely notice of the hearing according to the Civil Procedure Rules. The Plaintiffs had served such notice on Handshoe. Justice S. Hood made such a determination based on evidence. On January 31, 2012, Handshoe sent a fax to the court stating that he had not received notice of the hearing. This was a lie designed to interfere with the court's process.
13. Handshoe has published at least 5 mutually irreconcilable versions of why the Plaintiffs originally sued him, all of which have to do with them acting as straw men for distinct persons with distinct alleged motives.
14. For years, using Slabbed, Handshoe has harassed and defamed a prominent Louisiana plaintiff's attorney, John Houghtaling, including publishing at least one photograph of him juxtaposed to defamatory words. In October, 2012, a news item appeared reporting that a prominent, reputedly heterosexual Louisiana attorney had hired a male prostitute, who subsequently attempted to blackmail him. News media in Florida and Louisiana covered the incident, but the attorney's identity remained unknown.
15. On October 12, 2012, Handshoe published that the anonymous attorney in question was in fact the person he had long impugned, whom he refers to mockingly as "Magnum J.D.". He also published photos of the male prostitute. "OK folks I'm calling it and making it official. The subject at hand is indeed our very own Magnum J.D." Any casual reader of Slabbed knew who Handshoe was referring to as "Magnum J.D." Handshoe then published: "my sources on this are numerous and very well placed." Handshoe seriously injured the recently-married attorney's reputation.
16. It soon turned out that "Magnum J.D." was not in fact the attorney who hired the prostitute, despite Handshoe's purported "very well placed" sources.

17. In a late June, 2012, affidavit filed with the Mississippi federal court, Handshoe swore that “All of the statements on his blog regarding plaintiffs are either true or widely reported allegations of fact from other media.” On August 6, 2012, Handshoe filed a brief for the same federal court in which he stated: “The extent of the plaintiffs' [Trout Point Lodge, Vaughn Perret, & Charles Leary] actual involvement in the Broussard scandal is unknown. At one end of the spectrum plaintiffs may have been entirely involved in Broussard's activities; on the other, they may have had no knowledge of the corruption at all.” The 2 statements are irreconcilable.

Background

18. This is a story of a longstanding campaign of Internet defamation, stalking, harassment, extortion by libel, invasion of privacy, and intentional infliction of injury motivated by Defendant Handshoe's unfounded conspiracy theories, vendetta, and homophobia. Defendant Automattic played a significant role in formulating and extending the defamation, acting knowingly as a concurrent, joint tortfeasor and breaching its prior agreements with and promises to the plaintiffs. Handshoe conspired with others in the commission of illegalities, particularly since early February, 2012, in a concerted effort to defeat the Plaintiffs' action and valuable judgment against him through extra-legal means.

19. Co-conspirators in this effort included the following persons:

- Jack “Bobby” Truitt, an attorney
- Anne-Marie Vandenweghe, *aka* Anne-Marie Boudreaux, an attorney
- Randall A. Smith, an attorney
- Timothy Gillespie
- John & Jane Does “A”, “B”, and “C”, who contributed to, and helped direct the enterprise identified with Handshoe

20. Much of the factual and procedural history can be found in Nova Scotia Supreme Court (NSSC) file Yar No. 323654, styled *Trout Point Lodge, Ltd., Vaughn Perret, and Charles Leary v. Doug Handshoe and Jane Doe* (annemarieboudreaux@yahoo.com). The Plaintiffs will not repeat allegations and facts found therein but will provide a summary of relevant facts.
21. All of Handshoe's defamatory publications that formed the basis for the above civil action and the resulting NSSC judgment remain in publication today, and the Plaintiffs hold the Defendants responsible for such continued publication and republication and say that Handshoe is in blatant, public disobedience of 2 NSSC injunctions.

Statement of Facts

22. In and leading up to January, 2010, the administration of Jefferson Parish, Louisiana, President Aaron Broussard was under federal criminal investigation. Several journalistic and official investigatory bodies were looking into alleged corruption in the Broussard administration and by Broussard himself.
23. Broussard was ultimately indicted by a Grand Jury in 2012 for federal crimes including bribery, payroll fraud, theft of federal funds, and wire fraud, mostly involving the hiring of his wife for a government job she never performed. He reached a deal with the New Orleans U.S. Attorney (USAO) and pled guilty to 2 of the charges in September, 2012. He has yet to be sentenced
24. Though the Defendant Handshoe and his coconspirators repeatedly state otherwise, none of Broussard's federal criminal indictments or guilty pleas had to do with the Plaintiffs.
25. In this 2009-2010 investigatory context numerous requests for documentary evidence were made to Jefferson Parish government. The person assigned to deal with such information requests was Assistant Parish Attorney Anne-Marie Vandenweghe (AMV), whose married name is Anne-Marie Boudreaux. Her identity as a Slabbed blogger was not confirmed by the Plaintiffs until after the above-named NSSC judgment, however she is actually the "Jane Doe"

defendant in NSSC Yar No 323654, who made a variety of defamatory statements, derogatory comments, and threats against the Plaintiffs.

26. Due to her official position, AMV became familiar with a wide range of documents held by Jefferson Parish that might help prove alleged corruption and illegal acts. AMV personally spearheaded efforts to make public records readily available to federal agents, lawyers, the news media and individuals as investigations into Broussard's administration picked up steam in 2009-10, going beyond mere performance of her duties into proactive advocacy. Before TV and newspaper cameras, she personally delivered subpoenaed Parish government documents to the federal Grand Jury investigating Broussard in January, 2010.
27. AMV developed a close relationship with certain journalists making information requests, including but not limited to a reporter for Fox 8 News. She also has repeatedly stated publicly that she was an informant for the USAO and FBI, and has claimed whistleblower status.
28. In 2010, AMV admitted making online comments about Jefferson Parish politics using a pseudonym; Defendant Handshoe has admitted to her being a source and confidant. At all relevant times, under various anonymous monikers, she contributed to the Slabbed blog and conspired with Handshoe to defame and harass the Plaintiffs.
29. As the Broussard investigation was at its peak, the Metropolitan Crime Commission (MCC) of New Orleans—an official Crime Stopper Organization that works closely with the USAO—filed a complaint with the State of Louisiana Board of Ethics regarding President Broussard. The January, 2010, complaint included allegations from confidential and completely privileged sources that Mr. Broussard had rented his “lodge” in Nova Scotia to government contractors, implicating unethical or criminal activity on his part. Mr. Broussard, in fact, had long owned vacation rental properties with Trout Point Road addresses in Kemptville, Nova Scotia, which was longstanding public knowledge and also personally known to members of the USAO.

30. Contrary to Louisiana criminal statute, certain news media including Fox 8 News were tipped off and obtained access to the complaint letter the same day it was written on January 6, 2010. They published news stories about the MCC complaint starting that evening, and Fox 8 News even conducted a “gotcha” interview with Broussard and interviewed the MCC President about the complaint's allegations before the Ethics Administration even received the letter on the afternoon of January 7, 2010. Among other things, media used images of Trout Point Lodge and pictures of the corporate plaintiff's distinctive log-and-stone riverside building to incorrectly identify Mr. Broussard's property to the public at large starting on January 6.
31. Other news media quickly picked up the story and over a series of days repeated the false identification of Trout Point Lodge as being Mr. Broussard's property, business, and the subject of the Crime Commission complaint, involved in an alleged pattern of corruption and criminality.
32. The Plaintiffs ultimately filed civil lawsuits for defamation and related causes of action in the NSSC against the *Times-Picayune*, its writers, editors, and affiliated companies as well as Louisiana Media Company, the owner of Fox 8 News.
33. Both before and after any civil lawsuit, the *Times-Picayune* published a correction and 2 prominent retractions with apologies regarding its mistaken publications. The parties reached an amicable settlement out of court. In February, 2012, Fox 8 News broadcast a clarification and apology on 4 separate occasions regarding its publications and the parties amicably settled the law suit out of court.
34. It is notable that at the same time as the media and criminal investigations of Broussard were at their peak, in January, 2010, AMV joined the Slabbed blog and Handshoe coincidentally suddenly started to publish on the Broussard scandal, which included the ongoing federal criminal investigation and the MCC allegations, a topic that expanded the blog's readership and

commercial value. Jefferson Parish politics was never a major topic of discussion on Slabbed prior to this.

35. Handshoe first made publication referring to the Plaintiffs on a Yahoo! Finance forum on the morning of January 7, 2010, having seen the mistaken media reports about Trout Point Lodge, including images of the Lodge.
36. Despite and in the face of the subsequent media retractions, Handshoe, AMV, and others published by Handshoe continued to write on the topic of Trout Point Lodge and its owners on several occasions between January, 2010 and March, 2011, repeating defamatory innuendo that the Lodge truly belonged to Mr. Broussard and was involved in shady dealings.
37. In April, 2011, Defendant Handshoe incorrectly blamed the plaintiffs for having caused his new commercial web site to be shut down, which he viewed as part of a larger conspiracy involving the plaintiffs to silence his “free speech rights” and coverup a massive criminal conspiracy by “the powers that be,” a theme that would continue in ensuing time. Handshoe has a vendetta against Plaintiffs based on these events as well as their subsequent civil action against him.
38. The Defendant has repeatedly published photographic images and portrayals of the personal plaintiffs juxtaposed with blog posts about the plaintiffs. Most or all of these images were knowingly hosted by the Defendant Automattic.
39. Defendant Handshoe has communicated with third parties besides AMV including Joyce Case-Harlow, Randall Smith, and Timothy Gillespie and has contacted Canadian newspaper reporters who wrote positive articles about Trout Point Lodge.
40. Defendant Handshoe has pursued the plaintiffs across the Internet, posting defamatory words referring to the plaintiffs on the largest online travel-related community TripAdvisor, on Twitter, on ripoffreport.com, on Yahoo! Travel, on nola.com, on the popular news comment web site Reddit.com, and on newspaper web sites such those of *The Telegraph* and *The Independent*.

41. Justice Hood's February 2, 2012, NSSC decision (Trout Point Lodge Ltd. v. Handshoe, 2012 NSSC 245) summarizes Handshoe's defamatory publications up to January 30, 2012 and the plaintiffs incorporate it as part of this complaint. Plaintiffs reserve the right to allege these defamatory words with greater specificity should it be required.
42. The Plaintiffs are as of the date of this filing seeking to enrol that Nova Scotia damages judgment in Mississippi. Handshoe had the enrolment in state court removed to U.S. Federal District Court, Southern District of Mississippi, under the provisions of the federal SPEECH Act where a judge currently has submissions from both sides under consideration.

Conspiracy & Contempt

43. The facts here point to the extraordinary capacity of the Internet, email, blogs, tags, and search tools to bring together previously unconnected individuals in distinct jurisdictions as coordinated participants in an illegal enterprise to defame, bully, extort, and harass.
44. Since early 2010 Handshoe has been part of an enterprise funded by proceeds sent by wire & post to libel, slander, harass, and extort the Plaintiffs using defamatory libel. This enterprise existed prior to the February, 2012, NSSC judgment but has grown in size and intent after it, picking up new co-conspirators and with a new mission to deprive the Plaintiffs of the rightful fruits of that judgment and to publicly flout the NSSC Order, which the co-conspirators wrongly claim is fraudulent.
45. The Handshoe enterprise prominently includes publicly flouting and working to deligitimize the NSSC judgment through extra-legal means, including astoundingly conspiring to attack the judgment through lies published in Mississippi and Louisiana court filings.
46. Handshoe has republished the following threat, originally made on September 14, 2011:

I'll add here in case it is not self evident that I have built complete dossiers on all the players in this social group and I intend through time to roll out each and every one in excruciating detail as long as the lawsuit in Canada is an outstanding issue for Slabbed. The reason for this is that this band of gay men act as a unit that will also scatter like cockroaches when the heat is applied.

47. He has also stated: "I have 425,000 reasons to leave no stone unturned and yes Virginia I intend to turn every one to see which cockroaches are still hiding" (August 1, 2012) and "I have 425,000 reasons to follow the trail in its entirety and frankly I'm content to let the aftermath sort itself out." (August 12, 2012).
48. Defendant Handshoe is in contempt of court, specifically the mandatory and permanent injunctions ordered by Justice Hood.
49. Co-conspirators include attorneys who have breached rules & principles of lawyerly conduct in conspiring with Handshoe to harm the plaintiffs and cover up their own wrongdoing.
50. Astoundingly, Handshoe and Truitt admit that the Plaintiffs may have had no involvement in Broussard's alleged or actual illegal acts, but continue to publish such false claims as sureties, making bald-faced misrepresentations of underlying sources accusing the Plaintiffs of serious criminal acts and participation in an international network of organized crime. They thus do so illegally and with intentional disregard for the truth.
51. Handshoe, Gillespie, & Smith tag teamed defamatory publications about the Plaintiffs, providing each other with purported journalistic or legal authority for continuing libel. On numerous occasions over a period of more than one year Handshoe has used Gillespie's publications as a "media source" for his own defamatory statements; likewise Gillespie has used Handshoe and his publications as a "source" for making defamatory publications referring to the Plaintiffs. Both have used Smith's defamatory court filing to trumpet, bolster, and legitimize their own publications.
52. Gillespie has provided Handshoe with documents from the Yarmouth Justice Centre subsequently used to defame the Plaintiffs, including the privileged notes of a NSSC justice about a motion on a live issue that was never heard.
53. Handshoe has paid monies to Gillespie for his illegal activities via wire or post.

54. Gillespie has acted as Handshoe's Nova Scotia voice, intentionally republishing the personal defendant's defamatory words and stings from within the province after precisely such publications were prohibited by court order.
55. Both Truitt and Smith are ethically and professionally bound to not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer. They are likewise bound to not make a false statement of material fact or law to a third person in the course of representing a client.
56. On September 9, 2012, Truitt used Twitter to publish "Looks like #aaronbroussard was in deep in #novascotia. Sounds like @SLABBEDblog on to something!" In addition, on November 17, 2012, on the blog "American Zombie," Truitt published: "JB- Great post, as always. Glad you're back at it. When you and Doug over at Slabbed shine your light, the cockroaches sure scurry. Keep up the great work!" "The cockroaches" is a reference to the plaintiffs.
57. These publications were made while the federal judge in Mississippi was considering the enforcement of Justice Hood's NSSC judgment. The plaintiffs say that Truitt was publicly editorializing on a matter then before the U.S. federal court and that in truth Aaron Broussard was not accused of having conducted any criminal acts in Nova Scotia and Slabbed's repeated allegations were not oriented in any correct direction.
58. On Twitter, Truitt was referring to a brief filed by the USAO in the Broussard case: Notice of Intent to Introduce Intrinsic Evidence or, Alternatively, Notice of "Other Act" Evidence Pursuant to Rule 404(b) of the Federal Rules of Evidence filed in the case styled *United States of America v. Aaron F. Broussard, Thomas G. Wilkinson* pending in the United States District Court, Eastern District of Louisiana, Criminal No: 11-299, Section "HH"(SHF).
59. At the exact same time, Handshoe was publishing and Tweeting about a new Slabbed post entitled "Aaron Broussard's connection to the resort at Trout Point, Nova Scotia Canada revealed by Federal Prosecutors." In that post Handshoe threatened: "I won't stop until every

bit of the evidence behind the allegations involving Broussard's business interests in Nova Scotia sees the light of day."

60. Any reasonable or ordinary person would conclude there is absolutely no way that the defamatory words published by Truitt & Handshoe could in any way be based upon the contents of the USAO's filing; and in fact, the opposite is true. The U.S. Attorney's facts proved that Plaintiffs are not involved with the corrupt practices Handshoe & Truitt alleged in their September 9, 2012, publications. Plaintiffs are nowhere mentioned in that USAO pleading.

61. The September 9, 2012, publications repeated a pattern of Handshoe and Truitt intentionally misrepresenting the USAO's court filings. In a brief Truitt filed on behalf of Handshoe for the Mississippi federal judge on June 27, 2012, they stated:

Slabbed has been instrumental in reporting on the ongoing corruption scandal and indictment of Aaron Broussard . . . Broussard faces allegations of kickback schemes, money laundering, and fraud while in office. Broussard owned a lodge in Nova Scotia, Canada, which he used to funnel kickbacks from contractors doing business with Jefferson Parish, facts set forth in the factual basis of an indicted co-defendant. Media reports have revealed that plaintiffs, Charles Leary and Vaughn Perret, co-owned and/or managed this property.

62. In reality, Broussard was never indicted on charges of receiving kickbacks or money laundering.

The fraud charges against him had to do with payroll fraud involving his wife. There was and is no allegation from the USAO that Broussard used a Nova Scotia lodge he owned to funnel contractor kickbacks. No media reports ever stated that Leary and Perret co-owned a Nova Scotia property used for funneling kickbacks with Broussard, or that they managed such a property. Any news reports falsely linking the Plaintiffs with Broussard's alleged shady dealings had been retracted years earlier.

63. Truitt went far beyond allowable advocacy for his client and, as a co-conspirator in a larger enterprise to defame and discredit, intentionally misrepresented facts to the court with absolutely no substantiation.

64. The egregious and unprivileged use of court filings by the co-conspirators to prevent the Plaintiffs from enforcing their judgment continued.
65. On October 2, 2012, on the Slabbed blog's Twitter account Handshoe published: “Hang on tight. Multiple nukes expected over next 36 hours. Broussard had other LLCs not yet revealed.”
66. On October 4, 2012, attorney Smith—who was not Handshoe's attorney-- filed an amended claim in the the Civil District Court for the Parish of Orleans, Louisiana in the proceeding captioned *Concrete Busters of Louisiana, LLC & Waste Remediation of Plaquemines, LLC v. Frederick R. Heebe, Albert J. Ward, Jr., River Birch Incorporated, and HWY 90, LLC*. That claim contained allegations that Aaron Broussard was a co-conspirator in criminal corruption and racketeering using a lengthy list of Limited Liability Companies, or LLCs. There had been no prior media reports about the amended lawsuit or the alleged racketeering LLCs.
67. Handshoe, Smith, Truitt, and/or AMV were in mutual communication, either directly or indirectly.
68. The Plaintiffs say that Handshoe & AMV had foreknowledge of the lawsuit and that they and Truitt conspired with Smith to injure the plaintiffs, to try to extra-legally influence the federal judge in Mississippi, and to try to artificially make the Plaintiffs into public figures. If the plaintiffs were public figures in the eyes of the U.S. justice system, then the burden of enforcing the NSSC judgment would require proof of constitutional malice, a higher hurdle than otherwise required.
69. Smith's amended claim was widely published the same day by nola.com—the web site of the *Times-Picayune*—and before that by Handshoe on Slabbed, i.e. before any media reports about the amended lawsuit.
70. In that amended claim, Smith republished allegations against Jefferson Parish and its employees made by AMV and Truitt in one of AMV's lawsuits against the Parish. This section was entitled “away with the whistleblower.” Many of AMV's claims filed by Truitt in that

lawsuit has been dismissed by the judge in that case, yet they re-appeared in Smith's suit, to which AMV is not a party.

71. In that amended claim, Smith published the falsity that Trout Point Lodge and the personal plaintiffs' business, Cerro Coyote, S.A., were involved in criminal racketeering over waste disposal contracts involving that law suit's defendants (Frederick R. Heebe, Albert J. Ward, Jr., River Birch Incorporated, and HWY 90, LLC) and other persons including admitted felon Broussard.
72. In that amended claim, Smith published the absurd falsity that Trout Point Lodge and Cerro Coyote were criminal “shell corporations . . . owned and/or controlled by the Defendants and/or their co-conspirators.” A shell corporation is defined as a corporation without active business operations or significant assets.
73. In that amended claim, Smith published the utter falsity that Trout Point Lodge and Cerro Coyote truly functioned as a single business entity with other shell companies controlled by criminal co-conspirators.
74. At paragraph 189 of that amended claim, in a section captioned “Fraudulent Misrepresentations and Concealment,” Smith published further injurious falsehoods:

Co-conspirators, associates and/or agents of Defendants prosecuted SLAPP lawsuits against the Times-Picayune, Fox 8 News, Anne-Marie Vandenweghe, and bloggers, in foreign countries that lack the same constitutional protections of free speech as guaranteed by the laws of the State of Louisiana and the United States of America, in an effort to silence investigation and to conceal the acts of the defendants and their co-conspirators, committing libel tourism to thwart the protections of, and in contravention of, the First Amendment to the United States Constitution, the Federal SPEECH Act 28 U.S.C. 4104-4105, the Louisiana Rachel's Law Louisiana Code of Civil Procedure Article 2542, and the Louisiana American Laws for American Courts Act La. R.S. 9:6000. Said suits include the suite: entitled Trout Point Lodge, Ltd. A Nova Scotia Company, Vaughn Perret, and Charles Leary v. Doug K. Handshoe and numbered 12-cv-90LG-JMR on the docket of the United States District Court for the Southern District of Mississippi; and, Trout Point Lodge, Ltd. A Nova Scotia Company, Vaughn Perret, and Charles Leary v. Louisiana Media Company, LLC and numbered Yar No 328248 on the docket of the Supreme Court of Nova Scotia.

75. Paragraph 189 repeats and republishes many prior defamatory stings of Handshoe, such as his September 25, 2012 publication “Slabbed New Media joins the Times Picayune in demanding that all participants to the various Broussardian bribery schemes be brought to justice and this especially includes Broussard’s business agents in Nova Scotia that were clearly acting on his behalf attempting to silence public discourse on this topic using foreign courts with defamation laws that are subject to abuse to SLAPP sue all who spoke out.”
76. **Truth:** The Plaintiffs did not fraudulently use the Nova Scotia or Mississippi courts to silence investigation, thwart legal protections, and conceal acts of criminal conspiracy and racketeering. The Plaintiffs have no nexus with the Defendants in the Concrete Busters lawsuit and did not conspire with them and others, including Broussard, to abuse the Nova Scotia judicial system or the Mississippi federal court. Their lawsuits were not against public participation on a matter of legitimate public interest. The Plaintiffs' effort to enroll their NSSC judgment in Mississippi is not fraudulent, criminal, or otherwise illegal, but rather is fully in accord with principles of comity and the above-cited SPEECH Act.
77. Smith's allegations were purely gratuitous and the Plaintiffs are not even parties to the Concrete Busters lawsuit. The sole intention of the allegations made about the instant Plaintiffs was to provide Handshoe with a fraudulent aura of legitimacy, to turn the Plaintiffs into public figures, and to seek to influence the decision of the federal judge in Mississippi. There is no factual basis whatsoever for Smith's allegations and he alleges no facts to support his assertions. They are scandalous and frivolous.
78. Predictably, another co-conspirator quickly made overt acts to further the agenda of Smith, AMV, Truitt, and Handshoe. On or around October 9, 2012, from Nova Scotia Gillespie published on the topic of co-conspirator Smith's amended Concrete Busters claim, hyperlinked to Slabbed's publication of that claim, and again published the mistruth that Handshoe and Slabbed were legitimate investigative journalistic entities.

79. Among other statements of fact to be made evident at trial, Gillespie published the following:

New Orleans media and legal sources tell SCT that the most recent court filings could be the "tip of an iceberg." In addition to Broussard "naming names" in what is believed to be a broad network of corruption centred on Broussard's activities, he apparently "has left a broad path of people who feel betrayed by him and now see an opportunity for payback." One source told SCT that, despite Broussard's guilty plea and the likelihood [sic] of him "naming names", federal prosecutors and the FBI are still "quite interested" in the Nova Scotia and Costa Rica connections to what might be a major graft and/or money laundering scheme.

Cerro Coyote in Costa Rica was owned and managed by Leary and Perret before its sale in recent years.

Further Statement of Facts Regarding False and Defamatory Material on "Slabbed" Since the January 30, 2012 Evidentiary Hearing

80. The following excerpts from Slabbed blog publications made after the January 30, 2012 evidentiary hearing are untrue, of and concerning the Plaintiffs, and defamatory:

81. On February 1, 2012, Handshoe published at the url

<http://www.slabbed.org/2012/02/01/breaking-nova-scotia-justice-suzanne-hood-awards-trout-point-lodge-damages-against-slabbed-and-authorizes-injunctive-relief/>:

Libel tourism is alive and well folks as a Canadian Judge has awarded damages to Aaron Broussard co-conspirators Charles Leary and Vaughn Perret in their suit against Slabbed though I do not know any specifics as I am getting my information second hand. This is not the first time a Canadian judge has awarded damages to crooks, convicted felon Conrad Black being such an example.

82. **Truth:** The Plaintiffs are not libel tourists and the Nova Scotia court had proper personal jurisdiction over Handshoe. The personal plaintiffs are not and never were criminal co-conspirators of Aaron Broussard, an admitted felon. The Plaintiffs are not criminals or crooks.

83. On February 3, 2012, Handshoe published a post entitled "The problem with the media coverage of Tourism Libelists Charles Leary and Vaughn Perret in Canada is it is built upon a foundation of straw." He stated:

Now we have rehashed this more than a few times but the fact is Leary lied and collected a financial settlement from the Times Picayune based on that lie.

But our readers may remember that the question of ownership of the Lodge and the failed cheesemaking venture La Ferme D'Acadie was the subject of litigation with the Atlantic Canada Opportunities Agency.

84. **Truth:** Plaintiff Leary did not lie to the Times-Picayune newspaper and any settlement with the newspaper and its attendant court proceeding was not based on fraud. The question of the ownership of Trout Point Lodge was never the subject of litigation involving the Atlantic Canada Opportunities Agency.

85. Handshoe continued to published: "Abel and his girls are known down here as professional plaintiffs dating to their days working for Wendell Gauthier."

86. **Truth:** The personal plaintiffs are not "professional plaintiffs," which implies involving oneself in civil litigation for ulterior, improper, or fraudulent purposes. The personal plaintiffs were never plaintiffs in any lawsuit brought by deceased litigator Wendell Gauthier.

87. In that same post, Handshoe published: "In Canada reporting such things evidently constitutes libel but our readers are already hip how Canada's defamation are routinely used by unscrupulous individuals to silence legitimate lines of journalistic inquiry." The words "unscrupulous individuals" refer to the plaintiffs.

88. **Truth:** The Plaintiffs are not unscrupulous and have never misused any judicial system to silence the news media or journalistic inquiry. The Plaintiffs have only resorted to civil legal remedies to defend themselves, their business, and their reputations.

89. In a comment to the above post with the url <http://www.slabbed.org/2012/02/03/the-problem-with-the-media-coverage-of-tourism-libelists-charles-leary-and-vaughn-perret-in-canada-is-it-is-built-upon-a-foundation-of-straw/#comment-534>, Handshoe published the following:

Tom the original allegation was Aaron Broussard used his position as Parish President to force Parish contractors and venders to rent his vacation property in Nova Scotia. The Louisiana Ethics Board could not bring the allegations home but given Karen Parker's plea deal it sure looks like the FBI is hot on the trail given what was said in her factual basis for that plea which I linked above. Leary and Perret inserted themselves into that news story. If they had simply said something like "We've handled Broussard's rental business since he became a property owner here and are greatly disturbed at the

allegations, of which we have no specific knowledge...", this likely never would have mushroomed so on them and the process simply would have played out.

Ever hear the old saying its not the crime but the coverup that causes the problem. It applies here in spades.

Regarding the ACOA loan, it is important because of the names that were named as owners of the Lodge itself. Leary, Perret and Abel, from a legal standpoint own Trout Point Lodge 100%. Their investors down here were sold shares in La Ferme D'Acadie, which as a legal entity existed for all of about 2 months in Canada. When I find a court case where Leary is filing affidavits [sic] with Canadian courts saying only he and Perret were the sole owners of La Ferme D'Acadie while one of their investors down here is showing it on his website that was meaningful [sic] to me. You see not only did Perret and Leary lie about their prior associations with Broussard, they lied about the ownership of a company they had sold to third parties (and to that point) had not repaid a government loan on the cheese factory, which they sold without notifying ACOA. For me it was a piece of the puzzle that deepened the mystery since the original allegations also noted silent ownership of the Lodge.

Not brought up here but certainly important is the boutique hotel Leary, Abel, and Perret opened in Costa Rica, Cerro Coyote. I was leaked the ownership agreement in Cerro Coyote by a source that is impeccably well placed in all this – I pinch myself everyday as a reminder of how lucky and fortunate I've been doing Slabbed. I've said it a couple of times that this paperwork was connected to Aaron Broussard market making business ventures for his law associate Abel plus Leary and Perret. After I posted it I learned that the girls sold the property and never bothered to let their investors know. That caused them alot of problems locally with a few of the folks that ponied up the \$10K it took to buy in. Where I got that agreement from should terrify Broussard, Leary, Perret and Abel but they are still in denial about the whole deal from what I am told.

This story involves a massive criminal investigation in Louisiana, involving Louisianians (including Leary and Perret) with the twist that Broussard was sending his money across an international border to Canada.

90. **Truth:** The personal plaintiffs never inserted them into any public controversy, criminal investigation, or news story. They have never commented publicly on anything related to the criminal or ethical allegations against Broussard and his administration. In fact, though Handshoe repeatedly states otherwise, the Plaintiffs informed and made perfectly clear to the *Times-Picayune* newspaper in January, 2010 that Trout Point Lodge provided rental management services for Broussard's Nova Scotia properties. WVUE/Fox 8 has always insisted that it never meant to refer to the Plaintiffs, and that its broadcasts concerned Aaron Broussard only. The Plaintiffs have not been involved in any crime, or the coverup of any crime, which is a figment of Defendant Handshoe's imagination. Trout Point Lodge was not a party to or

involved in the ACOA litigation. La Ferme d'Acadie did not only exist for a matter of months, but rather was a registered corporation that conducted business for a matter of several years. The personal plaintiffs never lied about their relationship to Aaron Broussard or their ownership of La Ferme d'Acadie to anyone, including alleged investors. There were never any allegations that inferred “silent ownership” in Trout Point Lodge, except from Defendant Handshoe's publications or reasonably foreseeable republications of his words. Cerro Coyote, S.A. remains in existence and minority participants were notified that the property it owned in Costa Rica was for sale. The personal plaintiffs have no reason to be terrified, as they have done nothing wrong. Leary and Perret were not involved in the Broussard story—other than in the publications or conspiratorial republications of the Defendant Handshoe's words—and there is no massive criminal investigation involving the Plaintiffs. There has never been any public allegation from the FBI or the U.S. Attorney's Office that Broussard sent his ill-gotten money to Nova Scotia in activities involving the Plaintiffs, or at all.

91. On February 24, 2012, Defendant Handshoe published a post entitled “The South Coast Today reports on the Fox 8 settlement with the Goatherders wing of Team Abel.” He stated:

I am ecstatic to hear that admission, which we broke back in the summer of 2011 when Slabbed solved the mystery on the shores of the Tusket River. What the Goatherders try to minimize is the extent of their involvement with Broussard's property holdings in Nova Scotia, which has now risen to the fore of the federal investigation with Karen Parker Broussard's recent plea deal.

92. **Truth:** The Plaintiffs have never tried to cover up their management of Aaron Broussard's Nova Scotia rental properties. There is no mystery or coverup that Handshoe brought to light on his blog. Broussard's Nova Scotia rentals involving the Plaintiffs were not mentioned in any public documents regarding the federal criminal investigation into Broussard. They were not of public interest. This publication clearly implicated the Plaintiffs involvement in criminal activity under active investigation by federal authorities, which was not the case.

93. On May 2, 2012 Handshoe published a post called “BREAKING: Louisiana Ethics Board files charges against Fred Heebe, Dominick Fazzio and a host of Heebe companies.” The names of Charles Leary and that of Trout Point Lodge were included as tags to the post.

94. In that post, he published:

Telemachus is a former Slabbed commenter due to an invasion of privacy that resulted from Aaron Broussard business associate Charles Leary of Trout Point Lodge swearing perjured affidavits to a Nova Scotia court to obtain posting information on Telemachus and Whitmergate, subsequently intimidating Telemachus into silence. Sadly, Louisiana Media Company LLC aka Fox 8 was complicit in the deception of Justice Muise of the Nova Scotia Supreme Court and resulting invasion of privacy as they too knew full well who I was having appeared on Fox 8 a year earlier.

95. **Truth:** The Plaintiffs were never Aaron Broussard's “business associates,” which implies that they were in business with him in the commission of crimes. The Plaintiffs have never invaded the privacy of, or intimidated “Telemachus” and do not know the identity of “Telemachus.” The Plaintiffs have never attempted to communicate with “Telemachus.” Charles Leary has never committed perjury in Nova Scotia or elsewhere; perjury is a crime. The Plaintiffs never deceived Justice Muise of the Nova Scotia Supreme Court to obtain illegal court orders. The plaintiffs have nothing whatsoever to do with “Heebe companies” and never have. Heebe is a target of investigation by the USAO.

96. On April 4, 2012, Handshoe published a Slabbed post entitled: “The face of the enemy frightens me only when I see how much it resembles me’. Leary and Perret send a nasty gram to Timothy Gillespie at South Coast Today.” In that post he published the following:

This is a given and our readers may remember that when Leary and Perret identified former Trout Point Lodge Manager Joyce Case Harlow as having spoken with me, they passed several threats against her to the point where she called me on the phone very upset. Their harassment of Ms Harlow finally stopped when I publicly advised her to call the FBI. I mention this because Leary and Perret’s letter to Gillespie seems to indicate they have done likewise to the source for his original story, an unnamed official with the Town of Shelburne Nova Scotia.

97. At the end of the post he stated:

Duly noted is the fact Gillespie has not retracted his story “Trout Point figure fingered for expensive vacations on public’s dime” and I bet he took it down to save that poor woman in Shelburne further harassment by Leary and Perret. She sounds like exactly the type of person the Slabbed Investigative Team needs to talk with as we prepare our case here in Mississippi against the Goatherders.

98. **Truth:** The Plaintiffs have never threatened Joyce Case-Harlow, which implies a crime. There was no harassment that stopped when Defendant Handshoe published that Case-Harlow should call the FBI, which implicated the Plaintiffs in criminal activity of interest to the FBI. The Plaintiffs have never threatened or harassed any officials with the Town of Shelburne, Nova Scotia.

99. On September 11, 2012 in a post entitled “Let’s talk a bit more about Aaron Broussard’s ‘evidence of other crimes’ involving the resort at Trout Point Nova Scotia and the use of SLAPP suits by his business associates in Canada,” Defendant Handshoe published:

After reading [Drew Broach’s piece and the latest filing by the federal prosecutors in the bribery case involving disgraced former Parish President Aaron Broussard](#) I came away with the distinct feeling I had seen the name of his original Louisiana based LLC set up to accept bribes from Parish contractors that went to buy real estate at the Trout Point resort, Nova Scotia Enterprises, LLC.

100. **Truth:** Neither Drew Broach's Times-Picayune article nor the Government’s Notice of Intent to Introduce Intrinsic Evidence or, Alternatively, Notice of “Other Act” Evidence Pursuant to Rule 404(b) of the Federal Rules of Evidence which was filed in the cases styled *United States of America v. Aaron F. Broussard, Thomas G. Wilkinson* filed in the United States District Court, Eastern District of Louisiana, Criminal No: 11-299, Section “HH”(SHF) alleged that government contractors bought real estate at the Trout Point resort as part of a criminal scheme. In fact, neither of the publications mention any of the Plaintiffs or even alludes to them.

101. In the same blog post, Handshoe published:

To set things up though I feel compelled to point out the Times Picayune trail blazed this topic, was SLAPP sued in Nova Scotia by Broussard’s property managers Charles Leary and Vaughn Perret who are Abel’s business partners that are based at the Lodge. Val

Bracy at Fox 8 also had a great report on the topic which was retracted earlier this year as part of the SLAPP suit settlement in Nova Scotia filed by Leary and Perret.

102. **Truth:** The Times-Picayune retracted its publications referring to the Plaintiffs in the context of the Broussard criminal investigations and stated that, “The newspaper believes there is no basis for making any implication that Trout Point Lodge, Limited or its owners, Daniel Abel, Vaughn Perret, or Charles Leary, were involved in any wrongdoing and, indeed, never intended to make any such implication. The Metropolitan Crime Commission complaint to the Louisiana Ethics Board about Broussard's vacation property in Nova Scotia in fact did not name or implicate any of them.” The Plaintiffs never sued the Times Picayune or WVUE/Fox 8 to prevent public participation in a matter of public interest. The Plaintiffs sued because they were defamed, and a settlement was amicably reached out of court. The innuendo that the Plaintiffs somehow improperly strong armed media into silence by resorting to improper civil legal process is also defamatory.

103. In the same blog post, the personal Defendant continued:

Through time I have also learned this same bunch has availed themselves of Canada's defamation laws against several Canadian media outlets such as the Rural Delivery, which did an excellent expose on Leary, Abel and Perret's attempted fleecing of the Atlantic Canada Opportunities Agency among others.

104. **Truth:** “To fleece” means “to strip of money or property by fraud or extortion.” The Plaintiffs were never accused of fleecing the Atlantic Canada Opportunities Agency, a federal economic development agency, nor did they do so. The Plaintiffs also have never sued any Canadian media companies.

105. In the same publication, Defendant Handshoe published:

I have also been SLAPP sued by this same bunch in Canada but continued to investigate the topic of Broussard's use of a real estate development in Canada to launder the alleged bribes that were paid to him. This litigation is currently awaiting a ruling by US District Court Judge Louis Guriola. They have also repeatedly threatened a new media journalist in the Town of Shelburne Nova Scotia for reporting on the court case they filed against me among other things for they simply do not want this topic discussed. With the latest Federal Court filing in the case against Aaron Broussard I think

everyone now understands why Charles Leary lied to the Times Picayune in January 2010 regarding their involvement with Aaron Broussard and why their story continually changes with each revelation.

106. **Truth:** Plaintiffs' lawsuit against Handshoe in Nova Scotia was not to improperly prevent public participation on a matter of public interest. Aaron Broussard's indictment does not include charges related to money laundering. No one has ever accused the Plaintiffs of involvement in money laundering or other criminal acts involving Broussard other than the personal Defendant or those republishing his words as concurrent, joint tortfeasors. Plaintiffs have never threatened any journalists in Canada. Plaintiffs have no objection to discussions of politician Broussard's alleged and/or actual misdeeds; there are however no such misdeeds involving the Plaintiffs. Plaintiff Charles Leary never lied to the Times-Picayune newspaper, and in fact made clear to that paper's Managing Editor in January, 2010 that Trout Point Lodge provided rental management services for properties owned by Aaron Broussard. That is not a crime. Federal court filings in the Broussard criminal case do not mention or even allude to the Plaintiffs.

107. In that same September 11, 2012 blog post, Defendant Handshoe published:

So ol' Roy was a member of NSE and surely Leary and Perret knew all about the company as this exhibit to their SLAPP defamation case against Fox 8 illustrates.

108. **Truth:** Nova Scotia Enterprises, LLC (NSE) is a Louisiana company of which the Plaintiffs had and have no internal knowledge, including the identity of its past or former members other than Roy d'Aquila. This is defamatory because the U.S. Attorney's public filing in the Broussard criminal case alleges that NSE was used for criminal acts, including the illegal enrichment of Broussard by government contractors in exchange for contracts. This sentence directly implicates the Plaintiffs in the commission of felonies.

109. In that same blog post, Handshoe published:

So now that we know why Vaughn Perret is having fever blister problems and why their story has morphed through time from barely knowing Broussard to the oh yeah we

forgot to mention we managed Broussard's property in Nova Scotia that appeared in a post on the Trout Point Lodge blog (now deleted). I contacted Leary and Perret's publicist, Richard Brennan at the Toronto Star yesterday for comment since he played devil's advocate for them last January in a phone conversation with me but he did not reply.

110. **Truth:** The Plaintiffs' statements about their arms-length business relationship with Aaron Broussard has not changed over time; they have remained entirely consistent. The personal plaintiffs do not have a publicist, and it is not the national affairs reporter Richard Brennan of the Toronto Star newspaper. This blog post implicates the Plaintiffs in lies and coverup, and also in manipulation of major media as part of a coverup of illegal and/or unethical activity.
111. On September 9, 2012, Defendant Handshoe published a blog post on Slabbed with the headline: "Aaron Broussard's connection to the resort at Trout Point, Nova Scotia Canada revealed by Federal Prosecutors."
112. **Truth:** Again, federal prosecutors have never alleged or implicated any involvement of the Plaintiffs in Aaron Broussard's alleged or actual criminal acts.
113. In this blog post, Handshoe published a scanned excerpt from the U.S. Attorney's filing. Below that, he published:
- I seem to remember the late Roy D'Aquila, Charles Leary and Vaughn Perret yammering about those lot assessments at Trout Point on May 24, 2010 in a document I obtained from Leary and Perret's SLAPP suit against Fox 8 in Nova Scotia Canada. These SLAPP happy nut jobs were so brazen they laid themselves bare in that case in Canada, never thinking anyone would make the connection to what they were doing in Louisiana.
114. **Truth:** Plaintiffs are not "SLAPP happy nut jobs." Defendant implicates Plaintiffs' involvement in acts the Government alleged as criminal in the Broussard criminal proceeding. Plaintiffs were not "doing" anything in Louisiana and had no involvement with or knowledge of Nova Scotia Enterprises' activities in Louisiana. Defendant Handshoe also mistakenly conflates

lot owners on the Trout Point Road with Trout Point Lodge and with the members of NSE who allegedly participated in serious criminal acts.

115. In a comment to that post, Defendant Handshoe wrote:

Notice the names of Broussard's co-conspirators were redacted from the court exhibit? If I were them I would not go down with Broussard, Leary, Perret and Danny Abel.

116. **Truth:** The Plaintiffs and their business partner Daniel Abel were and are not "going down" with Aaron Broussard—which implicates them as being under federal criminal investigation or indictment-- and the personal plaintiffs have no involvement in Broussard's alleged or actual criminal acts. Federal officials have never contacted the personal plaintiffs about Broussard and, again, Government filings in the Broussard criminal case do not mention or implicate the plaintiffs.

117. On September 5, 2012, Handshoe published a post entitled "Aaron Broussard is "getting nuttier and nuttier", files a defamation suit against NOLA.com commenter CampStBlue."

118. In that post, Handshoe published:

Slabbed has said all sorts of uncomplimentary things about the disgraced former Parish Prez yet we do not get sued by the Goatherder in Chief....well actually we did through his property managers at the Trout Point Development near East Kempt Nova Scotia, Vaughn Perret and Charles Leary.

119. **Truth:** Aaron Broussard had no involvement in Plaintiffs' decision to sue Defendant Handshoe in Nova Scotia and the suit was not pursued at the behest of Mr. Broussard. The Plaintiffs are not part of an organized or conspiratorial criminal group that Defendant now repeatedly refers to as "the goatherders" and previously referred to in a homophobic and misogynistic way as "the girls."

120. On September 25, 2012, Defendant Handshoe published a post entitled "Jefferson Parish Corruption Omnibus: Today Aaron Broussard put his hand on a bible and admitted he is a filthy sack of crap." Below that headline, Handshoe published a copyright-protected photograph of

the personal plaintiffs hosted and published contrary to prior agreement by Defendant Automatic, Inc.

121. In this post, Defendant Handshoe published:

So Charles Leary, Vaughn Perret and Danny Abel certainly have a much dimmer opinion of the MCC than US Attorney Letten as Letten credited them with helping to unwind large parts of this scandal. But it is the inconsistency folks that is most glaring as the Goatherders correctly point out it being against the law for anyone at the Ethics commission to discuss a case absent certain conditions. So let's consider the implications of this sworn affidavit, specifically paragraph 42 that was submitted by Jones Walker Attorney Henry Laird on behalf of Team Goatherder in their SLAPP suit against Slabbed New Media in July:

In April, 2011, I spoke with an attorney [sic] for the Louisiana Ethics Board named Alesia Ardoin. She confirmed that the Ethics Board had never pursued allegations that Aaron Broussard rented his Nova Scotia properties to govenunent [sic] contractors and that the one year statute of limitations for bringing any such charges had expired. I then consulted the publicly-available Ethics Board charges against Aaron Broussard and they contained nothing pertaining to Nova Scotia or Canada. I presented a copy of the Ethics Board charges in court on January 30, 2012 and compared them with Mr. Handshoe's recent published assertions that there was a current Ethics Board investigation into a pay to play scheme involving the development at Trout Point.

This factoid is certainly worth pursuing because only Aaron Broussard could have given such permission and according to Leary in January, 2010, he was just some guy down the road. Of course that all sounded good in a Canadian courtroom in an uncontested defamation case before the US Attorney filed that 404b motion regarding the Resort at Trout Point being used as a conduit for bribery. I'm currently peeling this onion as I write this and rest assured Slabbed will get to the bottom of the implications of Leary's sworn affidavit.

But alas Slabbed New Media has remained on this case in dogged pursuit of these corrupt cockroaches but today it appears another media outlet that was SLAPPED and terrorized by the Goatherders in Nova Scotia is now demanding the US Attorney's office continue their investigation into the bribery aspect of this case so let's visit with the Times Picayune Editorial Board

122. **Truth:** The Plaintiffs did not violate Louisiana state law as any publication they made about the Ethics Board complaint was made after the MCC first made it public via major news media, and after the actual charges against Broussard were made public by the Ethics Administration. It was in fact Defendant Handshoe who continued to publish the falsehood that the Ethics Board was investigating the plaintiffs in connection with Broussard. Again, the U.S.

Attorney's filing in the Broussard criminal case did not mention or allude to the Plaintiffs. Trout Point was never used as a conduit for bribery, and the U.S. Attorney never said this. The Plaintiffs are not corrupt cockroaches. It was, in fact, the personal defendant who contacted state official and potential witness Ardoin and then subsequently published a threat, at the same time impugning the reputation of the Ethics Board: "Alesia Ardoin declined my invitation to comment. She went through the revolving door to work for the Grey Sexton. That's OK though because I have a way of making people talk and despite the sleazy associations her employer keeps Ms Ardoin will be no different in that regard."

123. On October 5, Defendant Handshoe published a post—juxtaposed with a photograph of the personal plaintiffs published by Defendant Automattic at the url slabbed.files.wordpress.com/2012/01/abel-leary-perret.jpg—entitled "Civil District Court lawsuit filed by Concrete Busters against River Birch terms Trout Point Lodge Ltd. of Nova Scotia a 'shell company'". He stated:

There is gonna be more folks as I do not think Aaron Broussard has been completely forthright in his squeal-a-thon with the United States Department of Justice, especially the intersection of the "Legal Department at the Super 8 Motel" on Clearview Parkway to Broussard's business enterprise in Costa Rica, Cerro Coyote, SA, which a reasonable person would conclude laundered Broussard's ill gotten gains based upon the written statements of Broussard's business associates, Charles Leary, Vaughn Perret and Daniel "Danny" Abel. I'm within inches of tying the whole sordid affair together.

124. In a comment to the same post with the url <http://www.slabbed.org/2012/10/05/civil-district-court-lawsuit-filed-by-concrete-busters-against-river-birch-terms-trout-point-lodge-ltd-of-nova-scotia-a-shell-company/#comment-52861>, Handshoe stated:

Speaking of Fox 8, their role assisting Charles Leary and Vaughn Perret in invading the privacy of Slabbed internet commenters using a Canadian court has thus far not been fleshed out on the Slabb but it's coming too. Politics is not the only cesspool going in the City.

125. **Truth:** It is untrue—as Handshoe's October 5 publications implicate—that the personal plaintiffs were involved in any criminal activity that admitted felon Aaron Broussard could

“squeal” about to federal authorities. Cerro Coyote was and is not Broussard's enterprise used for money laundering. Cerro Coyote operated an inn and restaurant. There is no sordid affair requiring “tying together” except in the conspiratorial imagination of Defendant Handshoe. The Plaintiffs have never invaded anyone's privacy, and did not abuse the Nova Scotia justice system to do so.

126. On October 9, 2012, Handshoe published a blog post entitled “Oh the weather outside is frightful but at the Ethics Board its so delightful...” at the url

<http://www.slabbed.org/2012/10/09/oh-the-weather-outside-is-frightful-but-at-the-ethics-board-its-so-delightful/>

127. Handshoe began that post with the following, above a pdf image of a subpoena:

I seem to remember a certain Goatherder swore a certain affidavit in a certain court case on this matter. Lying in sworn affidavits in Federal Court sounds serious to me but what do I know? I know I saw a subpoena duces tecum from the Ethics Board which indicates ol' AB was in a world of shit not counting using his property in Nova Scotia as a conduit to accept bribes.

128. The underlined words hyperlinked to a a post about an affidavit filed by Charles Leary in U.S. federal district court in Mississippi.

129. **Truth:** Charles Leary did not commit perjury and did not lie to the court in the above-referenced affidavit. This is an allegation of a crime and yet another defamatory allegation of perjury by Leary. In addition, the explicit implication that the subpoena published by Handshoe contained information contradicting Leary's sworn statements, or that it had information about illegal activities in or involving the Plaintiffs in Nova Scotia, is completely false.

130. On October 9, 2012, Handshoe published a further blog post that exemplifies the active conspiracy and tag teaming between him, Randall Smith, and Timothy Gillespie. In the post entitled “South Coast Today Shelburne Nova Scotia: Continued legal hassles for Trout Point Lodge. More suits coming?” Handshoe responded: “You betcha. ☹ “

131. Handshoe then published 3 paragraphs from Gillespie's South Coast Today web publication, which itself covered Smith's amended claim in the Concrete Busters law suit.
132. On October 18, 2012, Handshoe published a post entitled: "Let's herd a few goats and review."
133. In that post, he published:
Slabbed explores Aaron Broussard's role in selling overseas investments for Danny Abel, Charles Leary and Vaughn Perret as we reintroduce Cerro Coyote SA to the Slabb ~ 9/20/12
In that piece Brother Doug posted the letter written by Carl Eberts aka Brother Carl to Aaron Broussard aka Brother Aaron that Brother Doug obtained via public records request with Jefferson Parish. It conclusively proves that Aaron Broussard sold shares in Cerro Coyote a Costa Rican based business run by Broussard strawmen Danny Abel, Charles Leary and Vaughn Perret.
134. **Truth:** Aaron Broussard never sold shares in Cerro Coyote and had no capacity to do so as he was never an officer or shareholder in Cerro Coyote. The Plaintiffs and their partners Daniel Abel were not "strawmen," which implies that they were the public face of a complex criminal enterprise run by Broussard, and were not truly entrepreneurs who ran their own businesses.
135. Handshoe continued to publish:
But Brother Carl appears on Slabbed in another spot too as Telemachus posted a few old T-P stories on Brother Carl's associations with former Jefferson Parish DA John "Brother John" Mamoulides. Telemachus was somehow featured in the SLAPP suit Leary and Perret filed in Nova Scotia against Fox 8 despite the fact Telemachus never commented [sic] at Fox 8. Trust me when Brother Doug sez 3rd world doesn't adequately describe the Nova Scotia court system when it comes to SLAPP suits. I haven't forgotten about Brother Tom either as he is there for me to take anytime I want. Lest I digress lets get back to those excellent comments left here by Tele on my post The Slab Nation literally stretches from coast to coast as Truth in Justice tracks John Mamoulides as the reason Telemachus was SLAPPED by Broussard's business agents in Canada comes into sharper focus:
136. **Truth:** The Plaintiffs do not know and have no connection to former Jefferson Parish District Attorney John Mamoulides, or any implied corruption on his part. The Plaintiffs do not know Telemachus and did not join Telemachus in the law suit against Louisiana Media

Company. The reasons for suing Doug Handshoe in Nova Scotia had nothing whatsoever to do with ulterior motives or commands from Mr. Mamoulides or Mr. Broussard. The Plaintiffs were never admitted felon Broussard's business agents in Canada.

137. On November 6, 2012, Handshoe published the post headline: "Trout Point Lodge, Cerro Coyote, Aaron Broussard and others named as co-conspirators/defendants in federal racketeering suit."

138. **Truth:** In fact, the lawsuit referred to is the same amended claim previously filed by Smith, which was merely removed to federal court by the named defendants. Neither Plaintiff Trout Point Lodge nor Cerro Coyote is a defendant in the suit. The suit is not a criminal racketeering suit filed by the U.S. federal government, which is the implication of Handshoe's headline.

139. On November 13, 2012, Handshoe published a post entitled "Let's continue to build the case: Slabbed takes a second look back at USA v Sibley as we make more connections."

140. In that post, he published:

This brings me back to Danny Abel's his business partners Charles Leary and Vaughn Perret who advertised what appears to be money laundering /tax evasion services via the Costa Rica Company Cerro Coyote SA, which Aaron Broussard sold shares in to politically connected parish contractors like Carl Eberts dating to the late 1990s. Abel and Broussard were the "legal department" at Desai's Super 8 Motel. Desai, via his parents, also owns property at the Trout Point Resort in Nova Scotia along with a bevy of highly politically connected Louisianans, the Lodge itself at the resort being owned by Abel, Leary and Perret. The resort has been mentioned in Federal Court filings as a bribery conduit for Broussard, an allegation to which he copped a plea. In light of a couple of new friends that I have made over the past couple of months and all the ties the gang has to each other that literally span the world, it did not surprise me when sources familiar with the operations of the legal department at the Super 8 Motel disclosed to Slabbed that Desai was a frequent traveler to Costa Rica and his visits included stops at the Inn at Coyote Mountain aka Cerro Coyote SA.

Of course there is more so please stay tuned because Slabbed is on the verge of breaking this bad boy wide open. Oh boys.....

141. **Truth:** The Plaintiffs never operated a money laundering/tax evasion service and Cerro Coyote SA, a legitimate Costa Rica corporation, owned land and operated a country inn &

restaurant. Aaron Broussard, as already stated, never sold shares in Cerro Coyote and had no capacity to do so. Trout Point Lodge was never mentioned in federal court filings as a bribery conduit for Aaron Broussard, and the Lodge has never been involved in bribery, kickbacks, or money laundering. There is no “resort” beyond Trout Point Lodge. Aaron Broussard did not plead guilty to any indictments involving Nova Scotia or Trout Point as there were no federal indictments involving or mentioning Trout Point. Nick Desai has never visited or stayed at the Inn at Coyote Mountain. The personal plaintiffs do not personally know Nick Desai.

142. On November 14, 2012, Handshoe published a post entitled “Another one bites the dust: Bryan Krantz lists lot 6, Trout Point Nova Scotia for sale.”

143. In that post he published:

The development at Trout Point, was alleged by federal prosecutors to have been a conduit for an Aaron Broussard bribery scheme, a crime to which the former Goatherder in chief has since copped a plea, becoming a government informant in the process. With Broussard’s plea, it is no surprise more rats are jumping off Aaron’s Nova Scotia bandwagon as the scheme has unraveled.

144. **Truth:** Trout Point was never alleged by federal prosecutors to have been a conduit for illegal monies or to have been involved in any way in a bribery scheme. Again, Trout Point Lodge was never involved in any illegal scheme involving Aaron Broussard or anyone else. Broussard never plead guilty to anything involving Trout Point, and he could not do so since no such allegations have ever been made. There is no illegal or criminal “scheme” involving the Plaintiffs.

145. Handshoe's publications demonstrate “inner circle familiarity” with Smith and the Concrete Busters law suit. On November 6, 2012, Handshoe also approved of the gratuitous allegations made about the Plaintiffs as third-party, non defendants as telling the story that would not publish about while the Mississippi federal court was considering submissions made by both sides.

Facts regarding Promises Made and Actions Done by Automattic, Inc.

146. In May, 2011, Defendant Automattic, Inc. was informed that a judge of the NSSC had found publications on the Slabbed blog to be *prima facie* defamatory of the Plaintiffs within the context of a court order to provide identifying information about those publishing on Slabbed. Defendant Automattic did not remove any defamatory publications, but provided identifying information about those publishing on Slabbed after notifying Defendant Handshoe by email. Handshoe subsequently denied he was ever given such notice: “My web host here on WordPress, Automattic did not release any confidential information in response to the odorous court order issued by Judge Pierre Muise of the Nova Scotia Supreme Court. For now lets circle that Muise surname.” (January 22, 2012)
147. The Plaintiffs say that Automattic was not a passive, sub-distributor of defamation as it had actual knowledge of an alleged libel and was furthermore put on notice to suspect a libel.
148. On August 20, 2011, the legal department at Defendant Automattic, Inc. wrote to the Plaintiffs in response to a further written request to remove the Slabbed blog publications referring to the Plaintiffs. Automattic offered that when the Plaintiffs provided a Canadian court order finding the content to be defamatory and requesting its removal, that Automattic would cease service to Defendant Handshoe, removing his blog from publication, a broader remedy that that suggested by Plaintiffs.
149. At this point Plaintiffs had a clear legal relationship with Defendant Automattic; in addition, Plaintiffs were already in an existing legal relationship with Automattic.
150. On September 1, 2011, Plaintiffs filed an amended complaint in Nova Scotia Supreme Court against Defendant Handshoe based on the promise from Defendant Automattic, Inc.
151. In addition, on or around January 13, 2012, Plaintiffs filed a motion and brief with the Supreme Court of Nova Scotia requesting orders for injunctions against Handshoe's

publications on Automattic's web site wordpress.com in reliance upon this promise from Automattic.

152. Previously, Defendant Automattic was receptive to Canadian court orders and also stated that it would obey a Nova Scotia court order. It was reasonable for the Plaintiffs to rely on Automattic's words.

153. On or around February 7, 2012, Plaintiffs presented Automattic with the written Order of Justice Hood, Supreme Court of Nova Scotia, finding existing publications defamatory, enjoining publications about the Plaintiffs, and naming the Slabbed blog as hosted by Automattic.

154. On February 8, 2012, Automattic refused to stop hosting or take down Slabbed or the publications referring to and defamatory of the Plaintiffs, breaching its agreement.

155. The Plaintiffs then had to waste valuable time and effort, as well as incurred further humiliation & injury while negotiating and reminding Automattic regarding its agreement, including reminders of its legal obligations.

156. On or around February 10, 2012, Defendant Automattic stated that it was negotiating with Defendant Handshoe "to move the blog permanently away from our service."

157. The Plaintiffs says that "negotiating" with Handshoe resulted in the Defendant Automattic assisting Handshoe in continuing his illegal and injurious publications, and that Automattic provided Handshoe with technical and other assistance in continuing to disseminate the adjudged libels as extensively and conspicuously as possible on the Internet.

158. On or around February 11, 2012, Automattic, Inc. made overt acts and also promised to the Plaintiffs in explicit fulfillment of its prior promise that "The Slabbed blog is no longer on WordPress.com."

159. The Plaintiffs believed in and relied upon Defendant Automattic's assurances regarding their agreement and promises, and did not pursue the matter further with Automattic.

160. Handshoe subsequently used WordPress proprietary software, technical capacities, and templates with full knowledge and approval of Automattic.
161. On or around April 3, 2012, the Plaintiffs noticed a photograph of Trout Point Lodge's distinctive log & stone main building that was their intellectual property published on the Slabbed blog in direct juxtaposition with Handshoe's defamatory words. The Lodge's image is immediately recognizable to the general public.
162. The Plaintiffs served a *Digital Millennium Copyright Act* (DMCA) take down notice on Defendant Handshoe's apparent host DreamHost of Brea, California.
163. On or around April 4, 2012, DreamHost informed Plaintiffs that the published photograph in question was actually still hosted by Defendant Automattic, Inc.
164. Plaintiffs subsequently served a DMCA take down notice on Defendant Automattic, thereby also putting Automattic on notice that it was still hosting material used in an illegal and infringing context and still hosting the Slabbed blog or elements of it. Automattic removed the photograph but did not cease hosting components of the Slabbed blog used to defame the Plaintiffs.
165. In the blog post published on September 11, 2012, Defendant Handshoe published a photograph of Charles Leary and Vaughn Perret that was previously the subject of a successful DMCA take down notice from the Ashoka Foundation, but was subsequently republished with impunity by Defendant Handshoe. This photograph was published next to the defamatory post "Let's talk a bit more about Aaron Broussard's 'evidence of other crimes' involving the resort at Trout Point Nova Scotia and the use of SLAPP suits by his business associates in Canada."
166. This photograph, which formed an essential part of the defamatory publications and its identification of the personal plaintiffs, being of and concerning them, was hosted and published by Automattic, Inc. in direct violation of its prior promises, at the url <http://slabbed.files.wordpress.com/2011/09/leary-perret1.jpg>.

167. On October 5, 2012, Defendant Handshoe published a defamatory post entitled “Civil District Court lawsuit filed by Concrete Busters against River Birch terms Trout Point Lodge Ltd. of Nova Scotia a 'shell company,’” in which there also appeared a photograph of Charles Leary, Vaughn Perret, and Daniel Abel which is the intellectual property of *Nova Scotia Open to the World* magazine. The photograph was juxtaposed with defamatory words. The personal plaintiffs were clearly recognizable in the photograph. That photograph was hosted by Wordpress at the url: <http://slabbed.files.wordpress.com/2012/01/abel-leary-perret.jpg>.
168. The same photograph was also used to defame at the blog post with the url <http://www.slabbed.org/2012/09/18/dirty-deeds-done-dirt-cheap-slabbed-explores-the-genesis-of-the-trout-point-development-and-certain-land-sales-to-aaron-broussard-and-his-cronies/>
169. Automattic continued to host other files published as material parts of defamatory publications, including the pdf at <http://slabbed.files.wordpress.com/2012/01/leary-21sep2011-aff.pdf>

Specific Claims

Claim 1: Defamation, Conspiracy to Defame, Commit Contempt & Abuse of Process, and to deprive the Plaintiffs of their right to enforce their legal judgment

170. The Plaintiffs say that it is in the interests of justice to refer to the *Securing the Protection of our Enduring and Established Constitutional Heritage Act* (SPEECH Act) of the United States of America. It places the burden of gaining recognition of a foreign defamation judgment against a United States defendant on the Plaintiffs in any action involving defamation.
171. 28 U.S.C. § 4102(a)(1)(A) requires that the “law applied” in a foreign court’s “adjudication provided at least as much protection for freedom of speech and press in that case” as provided by the laws of the United States and Mississippi. Likewise, 28 U.S.C. § 4102(a)(2) refers to the Plaintiff’s burden of establishing the application of foreign defamation laws by the foreign court.

172. In the alternative, the Act requires that the party opposing recognition or enforcement of the foreign judgment (the Defendant) “would have been found liable for defamation by a domestic court applying the first amendment to the Constitution of the United States and the constitution and law of the State in which the domestic court is located.”

173. The Plaintiffs therefore plead to a standard acceptable to the laws and constitutional standards of the United States and Mississippi as well as Nova Scotia, and will prove defamation to that standard as well.

174. The Plaintiffs say that Handshoe conspired with Persons “A,” “B,” & “C,” Gillespie, Smith, Truitt, and Vandenweghe.

175. The predominant purpose of Handshoe and his co-conspirators was to cause injury to the Plaintiffs, to rob them of vindication, and to prevent enforcement of the NSSC judgment in the plaintiffs' favour. The means used by Handshoe and his co-conspirators was at times both lawful and unlawful.

176. In the alternative, even if it was not the predominant purpose of the Defendants, including specifically Automattic, to injure the Plaintiffs, the conduct of the defendants was unlawful, the conduct was directed towards the plaintiffs, and the defendant and his co-conspirators should have know in the circumstances that injury to the plaintiff was likely to and would result.

177. The Plaintiffs say that for the cause of action in defamation, the defendants and the co-conspirators were concurrent, joint tortfeasors. The named and unnamed co-conspirators participated in the commission of the defamation, acting in furtherance of a common design. All participants acted in furtherance of injuring the plaintiffs. The co-conspirators, and all of them either composed and published the various libels, repeated them, and/or approved what was written.

178. As the user of an interactive computer service, Handshoe conspired with various information content providers in publishing defamatory words about the plaintiffs. The

information content providers were not independent parties, and included co-conspirators Gillespie, Vandenweghe, as well as persons "A" and "B."

179. Moreover, there was a preconceived plan and unity of design and purpose to defame, harass, and extort the plaintiffs. Beyond and in addition to any reasonably foreseeable republications of Handshoe's defamatory words, allegations, and innuendo, Handshoe and his co-conspirators conducted a multi-year campaign of defamation, which was malicious in its reckless and intentional disregard for the truth, designed to legitimize the defamation through an abuse of judicial process. Handshoe and his coconspirators intended to increase the infliction of injury on the plaintiffs and at the same time, by their own conduct, to illegally create a defense and a legitimate facade for their own illegal acts.
180. In particular, the publications of Smith, Truitt, Vandenweghe, and Gillespie expressly adopted the defamatory allegations of Handshoe.
181. In the case of Smith, the Plaintiffs say that he failed to perform any investigation whatsoever or to verify facts, and that the truth about the Plaintiffs operating real, legitimate business unconnected in any way with racketeering as well as real or alleged Jefferson Parish corruption was readily and commonly available to him.
182. The Plaintiffs says that Smith intentionally violated the ethical standards incumbent on an officer of the court and an attorney in conspiracy with Handshoe and Truitt.
183. The Plaintiffs say that Smith and Gillespie both made publications about the Plaintiffs in coordination with Handshoe to injure the plaintiffs, destroying their reputations and their business, and that they also did so for their own benefit.
184. In the case of Smith, the Plaintiffs say that the amended pleadings filed by him were filed in Louisiana, a state whose law has no absolute privilege for judicial filings. The Plaintiffs say that any qualified privilege was defeated by either reckless or intentional disregard for the truth on Smith's part. The publications made in the amended pleadings were motivated by

express malice and done in conspiracy with Handshoe, Vandenweghe, Persons “A” & “B”, and Truitt.

185. In addition, the Plaintiffs say that, as a joint, concurrent tortfeasor with Handshoe, Smith's inclusion of the Plaintiffs in the amended pleadings was irrelevant to that proceeding. In addition, Smith's overt acts were part of a broader objective, one element of the conspiracy for which the Plaintiffs seek recovery of damages, which cause of action would exist whether Smith's various false allegations were made or not. The Plaintiffs say that the publications referring to the Plaintiffs in the amended claim were irrelevant gratuitous statements about third parties, and, in the alternative, had no privilege for this reason.
186. The Plaintiffs say that Handshoe in coordination with Smith made the allegations published in the amended claim and republished by Handshoe and Gillespie, as an abuse of that court's process and that they were fraudulent.
187. The Plaintiffs further say that Handshoe in coordination with Smith made the allegations published in the amended claim to improperly affect the outcome of the Plaintiffs' constitutionally guaranteed right to seek the enforcement of their Nova Scotia legal judgment against Handshoe in Mississippi federal court. Handshoe and Smith attempted to obstruct justice from occurring in both Nova Scotia and Mississippi.
188. In conspiracy with Handshoe, Gillespie acted to interfere with the fair administration of justice, and in particular the conspicuous public violation of the February 2, 2012, Order of Justice Suzanne Hood in the plaintiffs' previous defamation proceeding.
189. The Plaintiffs also say that the conduct of Gillespie in conspiracy with Handshoe and Smith is causing them irreparable harm and that they are trying to implicate them in a federal criminal investigation in the United States.
190. Gillespie committed two forms of *ex facie* contempt with explicit knowledge of Justice Hood's February 2, 2012, Order.

191. At Handshoe's behest, Gillespie accessed Yarmouth court files in previous proceedings brought by the Plaintiffs with the intent to copy and transmit court file documents mentioning the plaintiffs to Defendant Handshoe in Mississippi explicitly for defamatory publication on the Internet--including the privileged notes of Justice Pierre L. Muise--to publicly and notoriously flout the Order of Justice Hood. Gillespie received monies from Handshoe to do so. In short, Gillespie in conspiracy with Handshoe used the court's own files & administration to publicly disobey the court.

192. Gillespie also acted as a mouthpiece for the Defendant Handshoe on Gillespie's own Internet web site South Coast Today (www.southcoasttoday.ca), published from Shelburne, to publicly republish the defamatory stings of Defendant Handshoe about the Plaintiffs from within Nova Scotia, also in public and notorious violation of the court order.

193. The Plaintiffs say that in both ways, Gillespie, in concert with Handshoe, with *mens rea* assisted Handshoe to publicly disobey a court order and has with *mens rea* publicly attempted to interfere with the due course of justice.

Claim 2: Against Automattic, Inc., Defamation, Breach of Contract & Promissory Estoppel

194. The Plaintiffs re-aver the paragraphs above.

195. Defendant Automattic made specific promises to the Plaintiffs while in a relationship with Plaintiffs. At various times, Plaintiffs requested that Automattic take down Handshoe's defamatory publications about Plaintiffs from Slabbed. In response, Automattic promised to take down Slabbed in its entirety if and when a court order was received finding publications referring to Plaintiffs as defamatory and ordering the cessation of such publications.

196. Defendant Automattic therefore took upon itself a duty that sprang from its promises and implied agreements not from its capacity as a publisher or provider of an interactive computer service, i.e. as a blog host.

197. Automattic made manifest through words and acts its intention to be legally obligated to effect the removal of material from publication and cessation of hosting services for the Slabbed blog. The outwardly manifested intention to create an expectation on the part of the Plaintiffs was a legally significant event.
198. It was reasonably foreseeable that Plaintiffs would rely on Automattic's promises, and they did in fact rely on those promises in amending their Nova Scotia civil action, in not joining Automattic in the action as a defendant, and filing a motion and brief for an injunctive order from the Nova Scotia court.
199. When the anticipated court order was presented to Automattic, the Defendant refused to honour its promise.
200. Between February 7 and February 11, 2012, while the Defendant delayed in breach of its promise, the Plaintiffs suffered irreparable injury through Handshoe's multiple defamatory publications on Automattic's web site.
201. Even after the Defendant made the additional promise and engaged in overt acts in fulfillment of its first promise to take down Slabbed, Defendant did not in fact take down the blog. Defendant did not remove the blog permanently from its service and it was untrue that "the Slabbed blog is no longer on WordPress.com" as Automattic promised.
202. In addition, Automattic's WordPress assisted Handshoe in moving Slabbed in its entirety to another host, and has forwarded every single url ever hosted by Wordpress and cataloged by search engines to the new host url, page by page. Thus, at the time of this filing, going to a Slabbed wordpress.com url owned by Automattic results in seamlessly reaching the requested blog page containing defamatory words about the plaintiffs, as well as words and images invading the personal plaintiffs' privacy. It was implicit in the agreement between Automattic and the Plaintiffs that any such type of hosting or instantaneous specific url referral would be

put to an end, i.e. that the relationship between Automattic and Handshoe would be severed.

Automattic did not sever the relationship in violation of the agreement.

203. Defendant Automattic was put on notice in April, 2012, that it was still hosting Defendant Handshoe's publications by a DMCA take-down notice issued to it by Plaintiffs, which Automattic received and to which it responded.

204. Plaintiffs were injured as a result of Automattic's acts and omissions. In fact, Automattic's continued publishing activities materially contributed as well extended the breadth and scope of Defendant Handshoe's defamatory publications about them, in particular by photographically identifying each of the 3 plaintiffs in juxtaposition with defamatory words, i.e. the essential identification or "of and concerning" component of the tort of defamation.

205. Defendant Automattic's breach also materially contributed to the misappropriation of the Plaintiffs' likenesses, the infliction of emotional distress, and the invasion of their privacy by Handshoe.

206. For the Handshoe publications featuring the photographic image of the Plaintiffs, Automattic was a concurrent, joint tortfeasor in defamation including defamation per se, invasion of privacy, misappropriation of likeness, extortion through defamatory libel, and intentional infliction of emotional distress.

Claim 3: Against Doug Handshoe, Defamation including Libel Per Se

207. The Plaintiffs re-aver the paragraphs above.

208. The Plaintiffs were not public figures and their private activities, including their business activities, were not of public interest. Furthermore, the Metropolitan Crime Commission complaint to the Louisiana State Board of Ethics that started publicity about Trout Point Lodge in the context of the Broussard administration was by law confidential and making it public was a criminal act, therefore this complaint was by law not of public interest.

209. The Plaintiffs also never interjected themselves—nor were they involuntarily interjected-- into the public controversy surrounding Aaron Broussard and Jefferson Parish corruption, or any public controversy whatsoever.
210. The Ethics Board determined there was nothing actionable in the Crime Commission complaint regarding Broussard's Nova Scotia rental activities.
211. Likewise, the USAO and Grand Jury never indicted Broussard on any allegations relating to his Nova Scotia properties. The Plaintiffs were never mentioned or alluded to by the USAO in any court filings.
212. Mr. Handshoe has defamed the plaintiffs, including multiple accusations of criminal activity, in contravention of the Nova Scotia Defamation Act. On the Slabbed blog, on the Yahoo! Finance forum, TripAdvisor web sites, Twitter, Reddit.com, and at other places to be determined the Defendant published false and unprivileged words that exposed the plaintiffs to hatred, contempt, ridicule, or obloquy; that cause them to be shunned or avoided; and which have a tendency to injure them in their occupation or profession.
213. For many of the publications, readers would and did perceive a defamatory meaning without extrinsic aid beyond their own intelligence and common sense, and these publications are libelous *per se*.
214. These include, but are not limited to, accusations of perjury, grifting, graft, fraud, lying, racketeering, filing frivolous and/or SLAPP lawsuits, being bag men and “nefarious,” litigiousness, money laundering, funnelling of bribes, funnelling of illegal kickbacks, money laundering for drug cartels, involvement in organized crime, and involvement with the corrupt practices of Louisiana politicians including the implementation of kick-back and “pay to play” schemes.
215. For the personal plaintiffs such false statements of facts are particularly damaging to the reputations of Perret, an attorney licensed in 2 states, and Leary, a former professor of history.

216. The Defendant also published words capable of defamatory meaning through innuendo.
217. To fully understand the Defendant's numerous distinct publications over the period from January, 2010 to the present day, they must be read not only on their own, but also as a series.
218. For the defendant, being gay is a sign of moral turpitude, and therefore the numerous publications that identify the personal plaintiffs as homosexual are defamatory. The Defendant uses the personal plaintiffs' sexual orientation as a way—in his mind—to bolster his allegations of criminal, illicit, and unethical activities.
219. After the judgment of Justice Hood in early February, 2012, Defendant Handshoe developed a recognizable *modus operandi* in formulating and publishing new defamatory words about the plaintiffs. In particular Defendant Handshoe utilized (a) legitimate underlying sources that either have changed their story or retracted; or (b) legitimate underlying sources—including official court documents—that never said or implied what Handshoe represented; or, finally (c) he intentionally ignored reasonable and valid sources that contradicted or called into question what he published about the Plaintiffs. In all instances, formulating and publishing such defamatory words was done with express, U.S. constitutional malice, i.e. with knowledge that statements were false or with reckless disregard of whether they was false or not.
220. In total, the defendant has intentionally and with malice constructed and published a murderous set of defamatory allegations, attempting to snuff the economic, social, and reputational life out of the plaintiffs.
221. The plaintiffs were not involved in the Jefferson Parish political corruption scandal or the administration of Parish President Broussard.
222. Plaintiff Leary is not a compulsive liar and did not commit multiple acts of perjury in both Mississippi and Nova Scotia.
223. *Times-Picayune* reporters did not find damning evidence of wrongdoing involving the plaintiffs, and the Times-Picayune has retracted its reporting on the plaintiffs.

224. The plaintiffs did not commit fraud or launder money and were not involved in any “pay to play” schemes or shady dealings involving Aaron Broussard or his Nova Scotia properties or companies. There is no pattern, perceived or real, of the plaintiffs absconding with the monies of persons who invested indirectly or directly in Trout Point Lodge or the Inn at Coyote Mountain. The plaintiffs are not grifters or nefarious. The plaintiffs' past and present business ventures repeatedly mentioned by the defendant were not failed, “shell companies,” or insolvent.
225. The plaintiffs are not knowingly connected to any “mafia” political or otherwise and are not involved in racketeering or corrupt practices.
226. The plaintiffs were never “in business” with Aaron Broussard or “business associates” of Aaron Broussard, and only did business with Broussard, which is not the same thing.
227. The plaintiffs have no association whatsoever or any knowledge of business entities or persons with which the Defendant in his published writings associates the plaintiffs, including but not limited to Coastal Shoring, Concrete Busters, Senator Julie Quinn, Freddie Heebe, Trident Holdings, and the River Birch landfill.
228. The plaintiffs are not part of a conspiracy to illegally silence the free press, the mainstream media, Douglas Handshoe, Timothy Gillespie, or Slabbed. The plaintiffs have no control over the actions of Advance Publications, Louisiana Media Company, Wild West, the Times-Picayune, or Canadian news media.
229. The Plaintiffs have not paid off any members of the main stream media in order to maintain a “coverup.”
230. From about 2001 until 2010, the plaintiff Trout Point Lodge provided property management services to Aaron Broussard and/or his companies and has never denied this fact. The Plaintiffs made this fact clear to the Managing Editor of the *Times-Picayune* in January, 2010. The fact that Mr. Broussard owned a vacation home in Nova Scotia near the plaintiffs has

been public knowledge since at least 2001. Broussard never had any ownership or management interest in Trout Point Lodge, a fact repeatedly stated by the plaintiffs and reported in news media known to the personal defendant, but which the defendant Handshoe and his co-conspirators refuse to accept.

231. There was and is no “coverup” or “mystery” involved with Broussard's former Nova Scotia properties as they related to the plaintiffs.

232. The plaintiffs are not “girls,” “blow-buddies,” “wives,” “bitches,” or “bottom bitches.” The fact that the plaintiffs advertise their business as gay-owned and gay-friendly on a California-based travel web site is no justification for the personal defendant's defamatory and derogatory publications. By referring to the plaintiffs' sexual orientation, the defendant is obviously attempting to bring disrepute, shunning, and embarrassment onto the plaintiffs.

233. By advertising Trout Point Lodge as gay-friendly and gay-owned the plaintiffs were not inviting scrutiny of their private lives or indicating that their sexual orientation is therefore a justified basis for attack, harassment, assault, and discrimination by the defendant and others whose words he publishes.

234. Slabbed publications engendered discrimination and hatred, and were intended by the personal defendant to do so. As part of this rhetoric, Slabbed publications referred to plaintiffs Leary, Perret and their business partner not only as “girls,” and “bitches” but also “blow buddies” and “queer fag scum. ”

235. The Defendant at numerous times published that his purported investigations and publications are a search for the truth and evidence, and that what he is publishing is the truth, not comment, parody, or opinion.

Claim 4: Against Doug Handshoe, Slander *per se*

236. In violation of the Nova Scotia Defamation Act, the Defendant slandered the plaintiffs.

237. In particular, the Defendant orally communicated with third parties including Joyce Case-Harlow and Timothy Gillespie, and made statements concerning the plaintiffs that charge them with crimes, or with having been indicted, convicted, or punished for crimes; and also tend directly to injure the personal plaintiffs in respect to their office, profession, trade or business, both by imputing to them general disqualification in those respects which the office or other occupation peculiarly requires, and by imputing something with reference to their office, profession, trade, or business that has a natural tendency to lessen their profits.

238. The content of the slander included the innuendoes and allegations described in the paragraphs above.

Claim 5: Against Dough Handshoe, Civil Extortion

239. The Defendant made multiple threats in writing communicated to Plaintiffs via the Slabbed blog and Twitter that unless the Plaintiffs, first, withdrew their Nova Scotia civil suit against the defendant, and second, ceased efforts to enrol the resulting NSSC judgment in Mississippi, that he would increase and augment the defamation, harassment, injury, and privacy invasion of the plaintiffs and expand it to their purported social group.

240. The civil tort for extortion is derived from the crime of extortion and recognizing a claim for civil extortion furthers the purpose of defamatory libel pursuant to s. 300 of the *Criminal Code*, R.S.C. 1985, c. C-46. Regardless as to whether the plaintiffs paid any money to Handshoe or withdrew their lawsuit, civil extortion also furthers the goals of s. 301 of the *Criminal Code*, which prohibits a person's "intent" to extort by "publishing or threatening to publish or offers to abstain from publishing or to prevent the publication of a defamatory libel."

241. The Defendant made threats and applied illegitimate pressure to coerce the plaintiffs to relinquish their valuable legal claims, valued at least at \$427,000.00. Handshoe made multiple threats of harm unless the existing proceeding and its resulting judgment were withdrawn. The fact that Handshoe's illegitimate pressure has not been successful in modifying the Plaintiffs'

conduct is irrelevant; it is the application of the pressure which is the wrongdoing, not the result.

242. The defendant Handshoe did indeed continue and increase his defamation of the plaintiffs and his attempts to interfere with the plaintiffs' businesses.

Claim 6: Against Doug Handshoe, Intentional Infliction of Emotional Distress

243. The defendant's conduct in making his various publications on a widely-read Internet blog that targeted the personal plaintiffs and their business by repeatedly publishing their names in association with criminal activity was extreme and outrageous conduct by the defendant intentionally designed to cause emotional distress. The Defendant persisted in such publications after being given notice of an intended law suit, after receiving such a law suit, and after being judged culpable based on evidence. The Defendant also admitted in published reports that he was intentionally "screwing with" the plaintiffs.

244. The plaintiffs' suffered severe emotional distress. In particular, due to the defendant's persistent actions, both personal plaintiffs were placed under extreme pressure and suffered severe anxiety, embarrassment, irritability, sleeplessness, as well as physical symptoms of stress.

245. The defendant's intentionally injurious publications were read by customers of the plaintiffs' business, by its employees, as well as members of the plaintiffs' social community. The defendant intentionally tried to intensify the effect his injurious acts by publishing on other forums besides Slabbed, including but not limited to Reddit.com and TripAdvisor.

246. It was the defendant's intentional and outrageous conduct in making these repeated publications that was the actual cause of the plaintiffs' emotional distress.

Claim 7: Against Both Defendants: Misappropriation of Likeness and Violation of the Right to One's Image

247. The Plaintiffs re-aver the paragraphs above and say that Handshoe and Automattic repeatedly misappropriated the personal plaintiff's likeness and violated their right to their own image.

248. They did so despite repeated notice that use of the images of the Plaintiffs violated the copyright of third parties.

249. The Defendants usurped the Plaintiff's right to control and market their own image.

250. Regardless of any commercial rights, the Defendants also invaded the Plaintiffs' privacy and appropriating another person's image without his or her consent to include it in a publication constitutes a fault. The injury to the Plaintiffs in this case was not outweighed by the Defendants' right to freedom of expression.

Continuing and Supplemental Injury

251. Since January 30, 2012, the Plaintiffs have suffered far beyond the injuries inflicted by Defendant Handshoe's original defamations and other acts. Both defendants contributed to those injuries.

252. Both defendants acted intentionally, or, in the alternative for Defendant Automattic, recklessly.

253. The Plaintiffs have suffered a concerted effort spearheaded by Handshoe to make them subjects of criminal investigation and to implicate them in serious crimes. The Plaintiffs have had their legitimate judgment from this court spurned, ridiculed, and called fraudulent. Worse, Defendant Handshoe and his co-conspirators have used every legal and illegal means to wrench the fruits of victory and vindication from the Plaintiffs. The Plaintiffs have exposed the Nova Scotia judicial system itself to intense ridicule and have abused federal court process in the United States..

254. The Plaintiffs have suffered embarrassment and ridicule, had their business acumen maligned, their valuable Internet presence polluted, and their markets disrupted.

255. The Plaintiffs have repeatedly suffered having their images used for defamatory purposes and the intentional infliction of serious injury to personality by both Defendants.

Request for Relief

256. The Plaintiffs ask for both permanent and mandatory injunction directed to the defendants as well as DreamHost and any third-party providers of interactive computer services from continuing the publication of the defendant's existing injurious and/or defamatory words that refer in any way to Plaintiffs.

257. The Plaintiffs demand judgment against the defendant Handshoe for general damages for libel *per se*, libel, slander, invasion of privacy, misappropriation of likeness, violation of the right to one's image, civil extortion, harassment, and intentional infliction of emotional distress in an amount exceeding \$600,000.

258. The Plaintiffs demand judgment against Defendant Automattic for breach of agreement, including promissory estoppel, resulting in serious injury, and as a joint and concurrent tortfeasor for defamation, defamation *per se*, intentional infliction of emotional distress, misappropriation of likeness, violation of the right to one's image, and more generally invasion of privacy in an amount exceeding \$1 million dollars.

259. The Plaintiffs demand judgment against the defendant Handshoe for aggravated and punitive damages in an amount to be determined by the trier of fact.

260. The Plaintiffs demand judgement against defendant Automattic for aggravated damages due to its at minimum reckless behaviour in an amount to be determined by the trier of fact.

Singed this ___ day of November, 2012

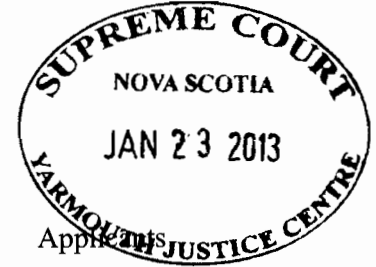
Charles L. Leary

Vaughn J. Perret

2013

Yar No. 411345

Supreme Court of Nova Scotia



Between:

Trout Point Lodge, Vaughn Perret, & Charles Leary
and
Douglas K. Handshoe

Applicants
Respondent

Affidavit of Charles L. Leary

I make oath and give evidence as follows:

1 I am Charles L. Leary the Applicant and officer of Trout Point Lodge.

2 I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information and belief.

3 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

4

(a) There are no persons who are not parties but who may have an interest in the matters raised by the application. New Dream Networks is the web host, however Respondent has filed misleading Counter Notifications to New Dream Networks.

(b) The list of possible witnesses in the notice of application is complete.

(c) The applicants have served Take Down Notices on New Dream Networks and Respondent's prior web host Automattic as per the relevant Digital Millennium Copyright Act (DMCA) of the United States of America and in each case these have been passed on to Respondent. He has filed Counter Notifications under penalty of perjury, and is aware of the Applicants' claims of copyright infringement. Examples of DMCA Notices and Counter Notifications are attached hereto as Exhibit "A."

(d) Applicants do not anticipate discovering any witnesses.

(e) I believe only one hearing will be necessary.

(f) This Application concerns events that are unfolding: Respondent is actively infringing Applicants' copyright on a commercial web site, publishing images of Applicants in juxtaposition with defamatory words about Applicants. Injury to Applicants is ongoing.

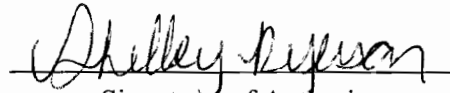
(g) The application concerns alleged rights that could be eroded over time: Respondent is actively infringing Applicants' copyright in multiple instances of Internet publication on slabbed.org in the context of defamatory word already enjoined by this court.

(h)The Applicants are prepared for a hearing at any time. The Applicants have no knowledge of Respondent's

preparedness. Respondent has publicly mocked and ridiculed the Nova Scotia judicial system and disobeyed its orders.

Sworn to before me

on January 23, 13
at Yarmouth, NS



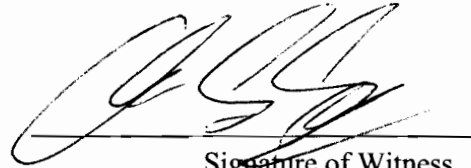
Signature of Authority

Shelley Ryerson

Print Name:

Deputy Prothonotary

Official Capacity:



Signature of Witness

Print Name: Charles L. Leary



DMCA Counter Notification re: slabbed.org

DreamHost Abuse <abuse-replies@dreamhost.com>

Reply-To: abuse-replies@dreamhost.com

To: trout.point.lodge@gmail.com

3 January 2013 16:27

Hello -

We have received a Counter Notification to the DMCA notification that we received from you on 2012-12-31 related to slabbed.org. Per the DMCA the content in question will be allowed back online in 10-14 business days as specified by the law unless we receive notification that a lawsuit has been filed for copyright infringement and an injunction against the content has been issued by the courts. The full Counter Notification is as follows:

" January 2, 2013

New Dream Network, LLC
Dreamhost.com
707 Wilshire Boulevard, Suite 5050
Los Angeles, CA 90017

RE: Mistaken Removal

Dear New Dream Network, LLC;

Please find attached to this letter a list of material removed by you pursuant to 17 U.S.C. Section 512. I have a good faith belief that this material was removed or disabled in error as a result of mistake or misidentification of the material. I declare that this is true and accurate under penalty of perjury under the laws of the United States of America.

For the purposes of this matter, I consent to the jurisdiction of the Federal District Court for the judicial district in which I reside. I also consent to service of process by the person providing notification under Section 512(c)(1)(C) or that person's agent.

However, by this letter, I do not waive any other rights, including the ability to pursue an action for the removal or disabling of access to this material, if wrongful.

No. 411345
This is Exhibit "A" referred to
in the affidavit of Charles Berry
(sworn/affirmed) before me
on January 23 2013


Signature

Shelley Ryerson
Deputy Prothonotary

EXHIBIT A

Having complied with the requirements of Section 512(g)(3), I remind you that you must now replace the blocked or removed material and cease disabling access to it within fourteen business days of your receipt of this notice. Please notify me when this has been done.

Please see below for a complete description of the material in question.

I appreciate your prompt attention to this matter. If you have any questions about this notice, please do not hesitate to contact me.

Doug Handshoe
Slabbed New Media LLC
Post Office Box 788
Wiggins, MS 39577
228-323-1598
<http://slabbed.org>

-----Original Message-----

From: DreamHost Abuse/Security Team [mailto:support@dreamhost.com]
Sent: 01/01/2013 3:27 PM
To: earning04@gmail.com
Subject: Re: [douhan5 67316463] URGENT: DMCA Takedown Notification....

Hello,

On Tue, 01 Jan 2013, you wrote:

- > Please forward me a copy of the take down notice from Charles Leary. |
- > intend to file a counter notification but would like to see the take
- > down notice so I may properly respond.
- >
- > Thanks
- >
- > Doug Handshoe
- > Slabbed New Media LLC
- > www.slabbed.org
- >
- >

Thanks for writing, Doug. The full DMCA notification you requested is included below.

=====

2nd Notice DMCA Infringement - Received: 2012-12-31 07:56:02 from Trout

Point Lodge <trout.point.lodge@gmail.com> to DreamHost Abuse
Subject: Notice of Copyright Infringement

There are 2 copyrighted works being infringed on slabbed.org, hosted by DreamHost. *We have repeatedly given DreamHost notice of past violations by this web site involving these images.*

The 1st copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/09/25/jefferson-parish-corruption-omnibus-today-aaron-broussard-put-his-hand-on-a-bible-and-admitted-he-is-a-filthy-sack-of-crap/>

and

<http://www.slabbed.org/2012/09/11/lets-talk-a-bit-more-about-aaron-broussard-s-evidence-of-other-crimes-involving-the-resort-at-trout-point-nova-scotia-and-the-use-of-slapp-suits-by-his-business-associates-in-canada/>

and

<http://www.slabbed.org/2011/09/08/slabbed-solves-the-mystery-on-the-shores-of-the-tusket-river-in-nova-scotia-as-we-reveal-the-trout-point-connection-to-the-jefferson-parish-political-corruption-scandal/>

The 2nd copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbed-for-defamation-in-nova-scotia/>

The URLs where the 1st copyrighted Image appeared have now been removed from publication. Please see attached transfer of copyright to me from the Ashoka Foundation assigning me the rights over this image.

The URL where the 2nd copyrighted image appears is:

<http://www.thestar.com/news/canada/article/1125508--mississippi-blogger-must-pay-a-gay-couple-425-000-in-damages-nova-scotia-court-orders>

WE WILL PURSUE LEGAL ACTION AGAINST DREAMHOST UNDER THE CANADA COPYRIGHT ACT IF THESE IMAGES--EITHER HOSTED OR EMBEDDED--ARE NOT REMOVED FROM INFRINGING PUBLICATION. THE UNITED STATES AND CANADA HAVE NUMEROUS TREATIES RECIPROCALLY PROTECTING COPYRIGHT. THERE IS NO CDA PROTECTION FOR PUBLISHING THESE INFRINGING WORKS.

You can reach me at trout.point.lodge@gmail.com for further information or

clarification. My phone number is [REDACTED] and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kempville, NS B0W 1Y0 Canada.

The email address of the website owner, who has republished Trout Point Lodge's content illegally, is: earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material. This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

=====

- Glen J., Abuse Coordinator
- DreamHost Web Hosting - <http://www.dreamhost.com/>



2nd Notice DMCA Infringement

Trout Point Lodge <trout.point.lodge@gmail.com>

To: abuse@dreamhost.com

31 December 2012 11:55

Subject: Notice of Copyright Infringement

There are 2 copyrighted works being infringed on slabbed.org, hosted by DreamHost. **We have repeatedly given DreamHost notice of past violations by this web site involving these images.**

The 1st copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/09/25/jefferson-parish-corruption-omnibus-today-aaron-broussard-put-his-hand-on-a-bible-and-admitted-he-is-a-filthy-sack-of-crap/>

and

<http://www.slabbed.org/2012/09/11/lets-talk-a-bit-more-about-aaron-broussards-evidence-of-other-crimes-involving-the-resort-at-trout-point-nova-scotia-and-the-use-of-slapp-suits-by-his-business-associates-in-canada/>

and

<http://www.slabbed.org/2011/09/08/slabbled-solves-the-mystery-on-the-shores-of-the-tusket-river-in-nova-scotia-as-we-reveal-the-trout-point-connection-to-the-jefferson-parish-political-corruption-scandal/>

The 2nd copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbled-for-defamation-in-nova-scotia/>

The URLs where the 1st copyrighted Image appeared have now been removed from publication. Please see attached transfer of copyright to me from the Ashoka Foundation assigning me the rights over this image.

The URL where the 2nd copyrighted image appears is: <http://www.thestar.com/news/canada/article/1125508--mississippi-blogger-must-pay-a-gay-couple-425-000-in-damages-nova-scotia-court-orders>

WE WILL PURSUE LEGAL ACTION AGAINST DREAMHOST UNDER THE CANADA COPYRIGHT ACT IF THESE IMAGES-EITHER HOSTED OR

EMBEDDED-ARE NOT REMOVED FROM INFRINGING PUBLICATION. THE UNITED STATES AND CANADA HAVE NUMEROUS TREATIES RECIROCALLY PROTECTING COPYRIGHT. THERE IS NO CDA PROTECTION FOR PUBLISHING THESE INFRINGING WORKS.

You can reach me at trout.point.lodge@gmail.com for further information or clarification. My phone number is +1-902-761-2142 and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kempville, NS B0W 1Y0 Canada.

The email address of the website owner, who has republished Trout Point Lodge's content illegally, is: earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material. This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

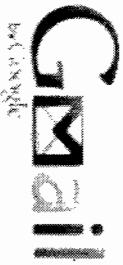
I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

Trout Point Lodge of Nova Scotia
www.troutpoint.com
Small Luxury Hotels of the World
online reservations

 **Copyright Assignment to Charles Leary.pdf**
574K



DMCA Notice

Trout Point Lodge <trout.point.lodge@gmail.com>

To: abuse@dreamhost.com

13 December 2012 22:12

Subject: Notice of Copyright Infringement

The copyrighted work at issue is the IMAGE that appears on

<http://www.slabbled.org/2012/09/25/jefferson-parish-corruption-omnibus-today-aaron-broussard-put-his-hand-on-a-bible-and-admitted-he-is-a-filthy-sack-of-crap/>

and

<http://www.slabbled.org/2012/09/11/lets-talk-a-bit-more-about-aaron-broussards-evidence-of-other-crimes-involving-the-resort-at-trout-point-nova-scotia-and-the-use-of-slapp-suits-by-his-business-associates-in-canada/>

and

<http://www.slabbled.org/2011/09/08/slabbled-solves-the-mystery-on-the-shores-of-the-tusket-river-in-nova-scotia-as-we-reveal-the-trout-point-connection-to-the-jefferson-parish-political-corruption-scandal/>

The URLs where our copyrighted material have now been removed from publication. Please see attached transfer of copyright to me from the Ashoka Foundation.

You can reach me at trout.point.lodge@gmail.com for further information or clarification. My phone number is +1-902-761-2142 and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kemptville, NS B0W 1Y0 Canada.

The email address of the website owner, who has republished Trout Point Lodge's content illegally, is: earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material.

This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such


activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

Trout Point Lodge of Nova Scotia
www.troutpoint.com
Small Luxury Hotels of the World
online reservations

 **Copyright Assignment to Charles Leary.pdf**
574K

18 December 2012 13:13

Trout Point Lodge <trout.point.lodge@gmail.com>
To: abuse@dreamhost.com

Subject: Notice of Copyright Infringement

The owner of the blog Slabbed has just republished several infringing images or embedded infringing images at slabbed.org. He is a serial copyright infringer and defamer. His is now using DreamHost hosting directly for image hosting.

We have put you on notice of Doug Handshoe's illegal activities on numerous occasions. He is the defendant in a federal law suit in Mississippi and a subsequent law suit in Nova Scotia Supreme Court. He is also the subject of 2 injunctions from Nova Scotia Supreme Court regarding his publishing activities about Charles Leary, Vaughn Perret, and Trout Point Lodge.

While we have no desire to involve DreamHost in litigation, continued hosting of this serial copyright infringer after you have had multiple notices of his infringing activities makes DreamHost lose any DMCA protections.

You are also in touch with attorneys for Progress Media who own the copyright to the below image. I just spoke with Progress Media on the phone today:

<http://www.slabbed.org/wp-content/uploads/2012/01/label-leary-perret.jpg>

The copyrighted works at issue to which I own the copyright are the IMAGES that appears on:

<http://www.slabbed.org/wp-content/uploads/2011/09/leary-perret1.jpg>

and

<http://www.slabbled.org/wp-content/uploads/2011/09/leary-perret.jpg?w=300>

and

<http://www.slabbled.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbled-for-defamation-in-nova-scotia/>

These images appear on multiple posts and pages at slabbled.org, all published juxtaposed to *per se* defamatory words. The last one is an embedded image being published with permission by the Toronto Star web site. Handshoe has no permission to publish this photograph, which is the intellectual property of Trout Point Lodge.

The other UURLs where the copyrighted image of Charles Leary & Vaughn Perret existed has now been removed from publication. Please see attached transfer of copyright to me from the Ashoka Foundation.

You can reach me at trout.point.lodge@gmail.com for further information or clarification. My phone number is +1-902-761-2142 and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kentville, NS B0W 1Y0 Canada.


The email address of the website owner, who has republished Trout Point Lodge's content illegally, is: earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material. This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

 **Copyright Assignment to Charles Leary.pdf**
574K

**revised DMCA notice**

Trout Point Lodge <trout.point.lodge@gmail.com>

To: abuse@dreamhost.com

5 December 2012 21:42

Subject: Notice of Copyright Infringement

The copyrighted work at issue is the IMAGE that appears on <http://www.slabbcd.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbcd-for-defamation-in-nova-scotia/>

The URLs where our copyrighted material is located include <http://www.thestar.com/news/canada/article/1125508--mississippi-blogger-must-pay-a-gay-couple-425-000-in-damages-nova-scotia-court-orders>

You can reach me at trout.point.lodge@gmail.com for further information or clarification. My phone number is +1-902-761-2142 and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kemptville, NS B0W 1Y0 Canada.

The email address of the website owner, who has republished Trout Point Lodge's content illegally, is: earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material. This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

Trout Point Lodge of Nova Scotia
www.troutpoint.com
Small Luxury Hotels of the World
online reservations



Fwd: DMCA Counter Notification re: slabbed.org

Mathis, Raegan <rmathis@ngs.org>

To: foodvacation@gmail.com

Thu, Jan 17, 2013 at 12:12 PM

Hello Dr. Leary,

Attached below is the response letter sent by Doug Handshoe. We are sending another takedown notice regarding the screenshot of the photo. As mentioned by Susan Borke, we have removed the photos from the photostream.

Please let us know if you have any additional questions.

Regards,

Raegan Mathis
National Geographic
Specialist | Rights Clearance
202.775.6173 | office
202.857.5874 | fax
rmathis@ngs.org | email

----- Forwarded message -----

From: **DreamHost Abuse** <abuse-replies@dreamhost.com>
Date: Tue, Jan 8, 2013 at 5:43 PM
Subject: DMCA Counter Notification re: slabbed.org
To: rmathis@ngs.org

Hello -

We have received a DMCA Counter Notification related to the DMCA notification you submitted on 2013-01-07. Per the DMCA the content in question will be allowed back online in 10-14 business days if we do not receive notification that a lawsuit has been filed and that a judge has issued an injunction against the content.

The full DMCA Counter Notification provided to us by our customer is as follows:

"January 8, 2013

New Dream Network, LLC
Dreamhost.com
707 Wilshire Boulevard, Suite 5050
Los Angeles, CA 90017

RE: Mistaken Removal of screen capture of Charles Leary's flickr page

Dear New Dream Network, LLC:

Please find attached to this letter a list of material removed by you pursuant to 17 U.S.C. Section 512. I have a good faith belief that this material was removed or disabled in error as a result of mistake or misidentification of the material. I declare that this is true and accurate under penalty of perjury under the laws of the United States of America.

For the purposes of this matter, I consent to the jurisdiction of the Federal District Court for the judicial district in which I reside. I also consent to service of process by the person providing notification under Section 512(c)(1)(C) or that person's agent.

However, by this letter, I do not waive any other rights, including the ability to pursue an action for the removal or disabling of access to this material, if wrongful.

Having complied with the requirements of Section 512(g)(3), I remind you that you must now replace the blocked or removed material and cease disabling access to it within fourteen business days of your receipt of this notice. Please notify me when this has been done.

Please see below for a complete description of the material in question.

I appreciate your prompt attention to this matter. If you have any questions about this notice, please do not hesitate to contact me.

Doug Handshoe
Slabbed New Media LLC
Post Office Box 788
Wiggins, MS 39577
228-284-0004
<http://slabbed.org>

-----Original Message-----

From: DreamHost Abuse/Security Team [mailto:support@dreamhost.com]
Sent: 01/07/2013 7:40 PM
To: earming04@gmail.com

Subject: [douhan5 67531148] URGENT: DMCA Takedown Notification....

-
- After reading this response, please consider visiting
 - the survey below to comment on its quality. Thanks!
 - <http://www.dreamhost.com/survey.cgi?n=67531148&m=7314710>
-
- If the service you received from us was exceptional, please consider
 - tweeting your love for @dreamhost. It'll warm our hearts, soothe
 - our souls, and get you good karma at some point down the road.

Hello,

We have received a formal DMCA (Digital Millennium Copyright Act) notice regarding allegedly infringing content hosted on your site. The specific content in question is as follows:

<http://www.slabbed.org/wp-content/uploads/2011/09/charles-leary-flicker-page.jpg>

The party making the complaint:

Raegan Mathis
National Geographic
Specialist | Rights Clearance
202.775.6173 | office
202.857.5874 | fax
rmathis@ngs.org | email, claims under penalty of perjury to be or represent
the copyright owner of this content. Pursuant to 17 U.S.C. § 512(c), we have
removed access to the content in question.

<http://www.loc.gov/copyright/title17/92chap5.html#512>

NOTE: The specific image has been moved offline to the base of your FTP user. The full DMCA notification received is at the bottom of this message.

If you believe that these works belong to you and that the copyright ownership claims of this party are false, you may file a DMCA counter-notification in the form described by the DMCA, asking that the content in question be reinstated. Unless we receive notice from the complaining party that a lawsuit has been filed to restrain you from posting the content, we will reinstate the content in question within 10-14 days after receiving your counter-notification (which will also be

forwarded on to the party making the complaint).

In the meantime, we ask that you do not replace the content in question, or in any other way distribute it in conjunction with our services.

Please also be advised that copyright violation is strictly against our Terms and Conditions, and such offenses risk resulting in immediate disablement of your account should you not cooperate (not to mention the legal risk to you if they are true).

<http://www.dreamhost.com/tos.html>

We also ask that if you are indeed infringing upon the copyright associated with these works that you delete them from your account immediately, and let us know once this has been done. We also ask that you delete any other infringing works not listed in this take down notification, if they exist.

If you have any questions, please don't hesitate to let us know. I have included the Full Original DMCA notification below:

"Cease & Desist for Infringing Property of National Geographic -
Received: 2013-01-07 16:38:02 from Raegan Mathis <rmathis@ngs.org> to
DreamHost Abuse To Whom It May Concern:

This letter is serving as our notice of an infringing blog hosted via DreamHost:

1. Location of the original National Geographic copyrighted work, which is a photo of Charles Leary of Trout Point Lodge was formerly found here:

<http://www.flickr.com/photos/480332856@N03/page2/>

and

<http://www.flickr.com/photos/480332856@N03/4460241383/in/photostream>

2. The location of the unauthorized material on the DreamHost site:

<http://www.slabbed.org/wp-content/uploads/2011/09/charles-leary-flickr-page.jpg>

3. I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

4. I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Sincerely,

—
Raegan Mathis
National Geographic
Specialist | Rights Clearance
202.775.6173 | office
202.857.5874 | fax
rmathis@ngs.org | email
"

— Glen J., Abuse Coordinator
- DreamHost Web Hosting - <http://www.dreamhost.com/>

—
Raegan Mathis
National Geographic
Specialist | Rights Clearance
202.775.6173 | office
202.857.5874 | fax
rmathis@ngs.org | email

This transmission is intended solely for the addressee(s) shown above. It may contain information that is privileged, confidential or otherwise protected from disclosure. Any review, dissemination or use of this transmission or its content by persons other than the intended addressee(s) is strictly prohibited. If you have received this transmission in error, please notify me immediately, e-mail the original to me at the sender's address above by replying to this message and including the text of the transmission received, and permanently delete the original and any copies as well as destroy any printouts of this email.



[DMCA #1407631]: Automatic DMCA Notice

Elizabeth - WordPress.com <dmca@automatic.com>

Reply-To: dmca@automatic.com

To: foodvacation@gmail.com

Sat, Dec 15, 2012 at 2:52 PM

- >
- > : foodvacation@gmail.com
- > Email Address: foodvacation@gmail.com
- > Location of copyrighted work (where your original material is located): now removed from publication
- > First Name: Charles
- > Last Name: Leary
- > Company Name: Trout Point Lodge of Nova Scotia
- > Address Line 1: 189 Trout Point Rd.
- > Address Line 2: P. O. Box 456
- > City: Kempville
- > State/Region/Province: Nova Scotia
- > Zip/Postal Code: B0W 1Y0
- > Country: Canada
- > Telephone Number: 9027612142
- > Copyright holder you represent (if other than yourself): Charles Leary
- > Please describe the copyrighted work so that it may be easily identified: image of Charles Leary & Vaughn Perret
- > Location (URL) of the unauthorized material on a WordPress.com site (NOT simply the primary URL of the site - example.wordpress.com; you must provide the full and exact permalink of the post, page, or image where the content appears, one per line) : <http://slabbed.files.wordpress.com/2011/09/leary-perret.jpg>
- >
- > You continue to host material for the Slabbed blog in contravention of an agreement reached with me.
- > If the infringement described above is represented by a third-party link to a downloadable file (e.g. [http://rapidshare.com/files/...](http://rapidshare.com/files/)), please provide the URL of the file (one per line):
- > I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.: Yes
- > I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.: Yes
- > Signed on this date of (today's date, MM/DD/YYYY): 14/12/2012
- > Signature (your digital signature is legally binding): Charles L. Leary
- >

Your DMCA Takedown Notice has been received and reviewed.

In accordance with the requirements set forth by the DMCA, we have disabled access to the material identified as infringing. Please note that notification of this has been sent to the publisher of the material. Upon his/her request, we will forward the notice's details and provide them an opportunity to formally challenge this removal. If the publisher decides to submit a counter-notice you will be notified immediately.

Thank you.

Elizabeth | WordPress.com



[DMCA #1405990]: Automatic DMCA Notice

Phil - WordPress.com <dmca@automatic.com>

Reply-To: dmca@automatic.com

To: foodvacation@gmail.com

Fri, Dec 14, 2012 at 12:49 AM

- >
- > : foodvacation@gmail.com
- > Email Address: foodvacation@gmail.com
- > Location of copyrighted work (where your original material is located): now removed from publication
- > previously located at <http://www.changemakers.com/stories/trout-point-lodge-making-change-happen-place>
- >
- > We have previously put Automatic on notice that it is continuing to host content for the Slabbed blog despite an agreement not to do so pursuant to a court order from the Nova Scotia Supreme Court.
- >
- > Automatic continues to host the Slabbed blog or components of it.
- > First Name: Charles
- > Last Name: Leary
- > Company Name: Trout Point Lodge
- > Address Line 1: P.O. Box 456
- > Address Line 2:
- > City: Kemptville
- > State/Region/Province: Nova Scotia
- > Zip/Postal Code: B0W 1Y0
- > Country: Canada
- > Telephone Number: 9027612142
- > Copyright holder you represent (if other than yourself): Charles Leary
- > Please describe the copyrighted work so that it may be easily identified: image of Charles Leary & Vaughn Perret
- > <http://slabbed.files.wordpress.com/2011/09/leary-perret1.jpg?w=300>
- > Location (URL) of the unauthorized material on a WordPress.com site (NOT simply the primary URL of the site - example wordpress.com; you must provide the full and exact permalink of the post, page, or image where the content appears, one per line) : <http://slabbed.files.wordpress.com/2011/09/leary-perret1.jpg?w=300>
- > If the infringement described above is represented by a third-party link to a downloadable file (e.g. [http://rapidshare.com/files/...](http://rapidshare.com/files/)), please provide the URL of the file (one per line):
- > I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.: Yes
- > I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.: Yes

- > Signed on this date of (today's date, MM/DD/YYYY): 12/13/2012
- > Signature (your digital signature is legally binding): Charles L. Leary
- >
- > Time: Thursday December 13, 2012 at 11:41 pm
- > IP Address: 24.222.222.18
- > Contact Form URL: <http://automatic.com/dmca/>
- > Sent by an unverified visitor to your site.

Your DMCA Takedown Notice has been received and reviewed.

In accordance with the requirements set forth by the DMCA, we have disabled access to the material identified as infringing. Please note that notification of this has been sent to the publisher of the material. Upon his/her request, we will forward the notice's details and provide them an opportunity to formally challenge this removal. If the publisher decides to submit a counter-notice you will be notified immediately.

Thank you.

Phil

Happiness Engineer | WordPress.com