

**Supreme Court of Nova Scotia**

Between:

Trout Point Lodge  
Vaughn Perret  
Charles Leary

and

Douglas K. Handshoe

Applicants

Respondent

**Revised Motion under Rule 5.10  
(Application in court)**

To: Trout Point Lodge  
Vaughn Perret  
Charles Leary

**Your application is contested due to a lack of jurisdiction.**

The respondent, Douglas K Handshoe of Slabbed New Media, LLC answers the Amended Notice of Application in Court for a declaratory judgment and injunction Sought by applicants Trout Point Lodge, Ltd., Charles Leary and Vaughn Perret and contests your application. Respondent neither admits nor denies any of the allegations stated in your ground as this honorable court does not have jurisdiction over the respondent or subject matter.

**Grounds of Contest - Introduction**

1. This is an action to prevent Applicants from engaging in the improper practice of forum shopping a civil suit based upon the US law Digital Millennium Copyright Act against the respondent, who is a United States citizen that publishes a web log targeted to a US audience. Specifically, applicants, also United States Citizens, have brought baseless copyright claims against respondent in Canada under the United States Digital Millennium Copyright Act, as amended by applicants February 8, 2013.

## Parties

2. Applicant Trout Point Lodge Limited is a Nova Scotia company owned by several Louisianans connected to the disgraced former Parish President of Jefferson Parish, Aaron Broussard, a self-admitted felon currently incarcerated in the US Penitentiary at Butner North Carolina for crimes involving his corrupt tenure as President of the Parish of Jefferson, Louisiana including identification by United States Attorney of Broussard's property at the Resort at Trout Point as a corrupt bribery scheme.<sup>1</sup>
3. Applicants Vaughn Perret and Charles Leary managed several Broussard connected business entities including Nova Scotia Enterprises, LLC, one company identified by United States Prosecutors as Broussard's conduit for an illegal bribery scheme. The only connection Nova Scotia has to the scheme is it is the foreign land where the ill-gotten gains from Broussard's various corrupt business schemes were hidden, out of sight of the American public
4. Respondent Douglas Handshoe is a nationally recognized investigative journalist whose media company, Slabbed New Media LLC, publishes a blog that is targeted to a specific American audience in the southern United States.<sup>2</sup>

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1 United States of America v Aaron F Broussard et al. Case No. 2:11-cr-00299, Document 146, Filed 08/31/12. This document can be accessed free of charge via the New Orleans Times Picayune at [http://media.nola.com/crime\\_impact/other/Other%20crimes%20Broussard.pdf](http://media.nola.com/crime_impact/other/Other%20crimes%20Broussard.pdf). Mr. Broussard subsequently pleaded guilty to two counts of his superseding indictment and is now serving a 46 month prison sentence.

2 Slabbed has been cited as an authoritative news source numerous times in the US Media including the New Orleans Times Picayune as an authority on Jefferson Parish Louisiana politics and corruption, the Biloxi Sun Herald for coverage of the 2010 Gulf Oil Drill moratorium litigation and coverage of the corruption scandal at the Mississippi Department of Marine Resources among other topics and a book, *Delay Deny Defend, Why Insurance Companies Don't Pay Claims And What You Can Do About It* by Rutgers University Law Professor Jay Feinman. Additionally, Slabbed is listed by consumer interest group United Policyholders as a nationally recognized policyholder resource at <http://www.uphelp.org/library/resources> for our work covering the post Hurricane Katrina Wind-Water litigation.

### **Salient facts**

5. Slabbed New Media's website provides a forum for local residents and other interested parties to gather and share information regarding various political and legal affairs issues that impact the US Gulf South in topics including but not limited to insurance, various ongoing court cases, the Gulf Oil Spill of 2010 and a various political corruption scandals in Louisiana and Mississippi.
6. Respondent says Applicants have, and have caused others to file on their behalf, bogus take down notices under the US Digital Millennium Copyright Act for the purposes of silencing public inquiry and to harass and punish Respondent for exposing their roles in Broussard's corrupt activities.
7. Respondent says Slabbed New Media has valid defenses to the baseless copyright infringement claims of Leary and Perret under United States the Digital Millennium Copyright Act and as such filed valid counter notifications under Title 17 United States Code Section 512 in response to the takedown notices Applicants sent Respondent's web host, New Dream Network under the US Digital Millennium Copyright Act.
8. Pursuant to Section 512(c)(1)(C), I specifically consented to the jurisdiction of the United States District Court for the Southern District of Mississippi in each counter notification.
9. Respondent says under the DMCA the Applicants had 14 days to file for an injunction with the United States District Court for the Southern District of Mississippi. Applicants failed to do so.
10. Respondent says under the Digital Copyright Millennium Act those that file baseless DMCA takedown notices alleging copyright infringement are responsible for the payment of all legal fees.

11. Respondent says Applicants have filed the application for declaratory relief and an injunction in an improper venue in order to avoid paying attorney fees associated with their baseless claims.
12. Applicants have filed numerous defamation suits against American media outlets covering the Aaron Broussard corruption scandal in Canada in order to limit American public inquiry into their roles in Broussard's corrupt bribery schemes.<sup>3</sup>
13. Respondent denied the Canadian Courts had jurisdiction in Applicants' earlier defamation suit and litigated this issue in United States District Court for the Southern District of Mississippi in a suit brought by Applicants to enforce their Nova Scotia defamation judgment. Applicants will be liable to the respondent for over \$50,000 in attorney's fees associated with that litigation under the Securing the Protection of our Enduring and Established Constitutional Heritage Act (the "SPEECH Act"), 28 U.S.C. §§ 4101-4105, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202. In that case Respondents were found to have engaged in the practice of libel tourism filing baseless defamation suits containing allegations concocted out of whole cloth.<sup>4</sup>
14. Applicants' business partner and close associate at Trout Point Lodge, Daniel G. "Danny" Abel<sup>5</sup> also has filed a defamation lawsuit against Respondent in the United States District

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3 See Trout Point Lodge et al v Advance Publications, Trout Point Lodge et al v Louisiana Media Company and Trout Point Lodge et al v Doug K Handshoe, all filed in the Yarmouth Justice Centre.

4 See Trout Point Lodge et al v Doug K. Handshoe, Case No. 1:12-cv-00090, Document 35 Filed 12/19/12, United States District Court for the Southern District of Mississippi. In Judge Guirola's written opinion he concluded "it does not appear from the record that the Nova Scotia court conducted an inquiry into the truth of Handshoe's assertions."

5 Mr. Abel has been repeatedly sanctioned by the Federal and State courts in Louisiana for filing frivolous appeals and legal briefs designed to defame and harass, rather than advance legal points in furtherance of dispute resolution and for repeatedly disobeying direct orders of the court including the above referenced defamation case styled *Danny Abel v Douglas Handshoe et al*, Case No. 1:13-cv-00088, Document 45, Order to Show Cause, United States District Court for the Eastern District of Louisiana. This document can be accessed free of charge at

Court of the Eastern District of Louisiana repeating many of the original allegations in the Canadian suit filed by Applicants. Abel has a long standing and close connection to the Lodge and the applicants.<sup>6</sup> The record shows Mr. Abel's close legal associations with the Lodge continues to this day, including a fax to Twitter from the Lodge under the heading "Abel law firm" attempting to enforce Nova Scotia Supreme Justice Suzanne Hood's injunction against respondent from that earlier defamation case.<sup>7</sup> Respondent says Abel, Leary and Perret have been working in concert across state and international borders to harass and punish respondent for exposing their roles in Broussard's corrupt criminal schemes along with depriving respondent of his civil rights to free speech under the first Amendment of the US Constitution under the color of law in violation of 18 USC Chapter 96 §§ 1961-1968 - Racketeer Influenced And Corrupt Organizations.

15. Respondent says Applicants have relentlessly promoted both Trout Point Lodge and their default judgment against respondent to numerous media outlets in both the US and Canada, providing nonregistered images and pictures along with their press releases. These media outlets used these pictures to promote applicants' default judgment. Slabbed likewise recognized the newsworthiness of these events and reported upon them, sometimes "inline linking" the images to the original site such as the Toronto Star. The news reporting of the

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<http://www.slabbed.org/wp-content/uploads/2013/05/Abel-v-Handshoe-and-AMV-Doc-45.pdf>. Also see *Slabbed Investigates continued very bad times for the "Legal Department" at the Super 8 Motel on Clearview Part 3* for a partial, albeit lengthy list of US Court cases where Mr. Abel was sanctioned for unethical conduct in the practice of law at

<http://www.slabbed.org/2013/03/16/danny-abel-collects-court-sanctions-like-vito-corleone-collected-pocket-politicians-slabbed-investigates-continued-very-bad-times-for-the-legal-department-at-the-super-8-motel-on-clearview-part-3/>

6 Mr. Abel is also author of the Trout Point Lodge Cookbook. He withdrew his lawsuit on May 14, 2013.

7 This Fax, obtained by respondent from Twitter Legal, is attached as Exhibit A.

Lodge's loss to respondent in US District Court enraged the Applicants causing them to file another round of bogus takedown notices under the US Digital Copyright Millennium Act with Respondent's webhost, New Dream Network in December, 2012 and January, 2013. In each instance and in accordance with the DMCA, applicant removed subject images while the counter notification period ran for the respondents to file for an injunction in US District Court for the Southern District of Mississippi. Respondent has in fact complied with every aspect of the DMCA process.

16. Respondent affirms that he and his media company will ignore any court order that does not come from the court which has proper jurisdiction over respondent nor does he consent to this case being heard in Nova Scotia.<sup>8</sup>

**Applicants do not approach this court with clean hands**

17. Respondent notes the concept of the Clean Hands Doctrine applies in Nova Scotia as well as the United States. It is broadly defined as, "those seeking equity must do equity"<sup>9</sup>
18. Applicants have repeatedly levied false and defamatory allegations in Canadian court filings against several American and Canadian citizens including a former Lodge employee, Joyce Case Harlow, a respected local Canadian journalist Timothy Gillespie along with Respondent and one of respondent's US based lawyers, Jack E. "Bobby" Truitt

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8 Per the US Digital Copyright Millennium Act the only court with jurisdiction in a matter involving the DMCA is the United States District Court for the Southern District of Mississippi. Amazingly Mr. Leary admits the Lodge is seeking relief under the US Digital Millennium Copyright Act in his sworn affidavit which accompanied the Applicants' Amended Notice of Application in Court dated February 8, 2013.

9 *Introduction to Law and the Legal System* by Frank Schubert, ISBN 9780618770908 and *Epitome of the Laws of Nova-Scotia, Volume 4* by Beamish Murdoch page 9 which states, "it is said, come with clean hands, - free from unfairness, imposition or undue advantage taken on his part, and claiming only that which in honesty and honor he is entitled to."

including the original complaint filed in the instant case.<sup>10</sup>

19. Applicants have issued multiple threats of litigation against Mr. Gillespie for covering their various defamation suits against the US Media in Canada and tried to have him barred from an open court proceeding in the Yarmouth Justice Centre.<sup>11</sup>
20. Applicants issued Gillespie a self-admitted fake press release in a paranoid hunt for their imagined enemies to fuel their ever growing wild conspiracy theories.<sup>12</sup>
21. Applicants have created anonymous blogs on platforms such as Wordpress and Blogger where they defamed former employee Joyce Case Harlow, terming her a bigot and a homophobe for letting respondent interview her.<sup>13 14</sup>
22. Applicants have created numerous other anonymous blogs including one to fight their

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10 Respondent notes that while Mr. Abel has been repeatedly sanctioned in US Courts for this practice, the courts in Canada have thus far tolerated this unethical abusive behavior from the Applicants.

11 Damages hearing held in January 2012 at the Yarmouth Justice Centre in the case Trout Point Lodge et al v Doug K. Handshoe et al. before Justice Suzanne Hood. In that case not only did the applicants try to have Mr. Gillespie barred from the public proceeding they also publicly, in sworn testimony, blamed respondent for the death of Roy D'Aquila, one of the members of Nova Scotia Enterprises that swore an affidavit in the Applicant's defamation suit against Louisiana Media Company which respondent obtained and published. After its publication respondent was contacted by agents of the US Federal Bureau of Investigation who were highly interested in these documents, sworn by the politically connected Louisiana based owners of the Lodge associated with Aaron Broussard used in the Canadian defamation proceeding against Louisiana Media Company. Applicants hastily settled the case after these affidavits were published to the Slabbed website.

12 Email chain to Gillespie attached as Exhibit B.

13 Above the Hate Watch Blog attached as Exhibit C. This blog was immediately disabled by Wordpress after respondent notified Wordpress' owner Automattic of its existence. Notably Applicants also have sued Automattic in Canada in a case which originally asserted defamation against respondent and Automattic Yar No 409679 (along with intenerate conspiracy theories involving Attorney Truitt and Tim Gillespie) but which subsequently morphed into a breach of contract complaint with the subject "contract" being the deletion of all Slabbed New Media files hosted at the redirected website. Automattic is currently preserving all correspondence between Applicants and itself in anticipation of litigation here in the United States.

14 Worth noting is Applicants have also accused this honorable court of homophobia in a lawsuit brought against them by the Atlantic Canada Opportunities Agency where they swore in open court under oath, they were the sole owners of La Ferme D'Acadie, a failed goat cheese making facility near Yarmouth partially funded by the taxpayers of Canada, which can be found at this honorable court's website. <http://decisions.courts.ns.ca/nssc/2008/2008nssc334.html>. Interestingly, Louisiana lawyer and well known Broussard political crony David Loeb claims to own La Ferme D'Acadie on his law firm's website, which can be found at <http://www.dloeblaw.com/resume.html>.

numerous publicity battles with the website Trip Advisor, which warns potential guests of the Lodge's "registration statement" which requires guests to clear all online reviews with Applicants before submission online or face a penalty of several thousand Canadian dollars.<sup>15 16</sup>

23. After filing another defamation suit against respondent and webhost Automattic, owner of Wordpress.com in December 2012, Applicants, under the anonymous moniker Randall Cajun created another blog on webhost Blogger.com called Real Malice, which has posted several false and demonstrably defamatory statements against respondent, certain commenters on respondent's website and the person widely credited with blowing the whistle on Broussard's corrupt bribery schemes, Anne Marie Vandenweghe.<sup>17</sup> Randall Cajun of Real Malice was proven to be posting from a Yarmouth Nova Scotia IP address consistent with that belonging to Trout Point Lodge.<sup>18 19</sup>
24. Applicants have previously sworn false and misleading affidavits before this honorable court for the purpose of invading the privacy and unmasking Slabbed New Media website commenters in deprivation of their due process rights to contest the wild allegations

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15 Abouttripadvisor.wordpress.com specimen post dated November 15, 2011, which trumpets a Vancouver Sun article featuring Trout Point Lodge's PR battles with Trip Advisor is attached as Exhibit D.

16 See also, *Which 5-Star Resort Wants to Censor Your Comments* by Kirk Cheyfitz, who detailed his terrible personal experiences with Mr. Leary and the Lodge's registration statement at <http://www.postadvertising.com/2011/08/which-5-star-resort-wants-to-censor-your-comments/> It is attached as Exhibit E.

17 Ms. Vandenweghe recently successfully settled her whistleblower lawsuit against the Parish of Jefferson.

18 Specimen [Real-Malice.blogspot.ca](http://Real-Malice.blogspot.ca) posts defaming Kevin LaMaire, Anne Marie Vandenweghe and respondent are attached as Exhibit F.

19 Randall Cajun was outted on the widely read and respected New Orleans based investigative blog American Zombie, which trail blazed the local media coverage of corruption surrounding former New Orleans Mayor C. Ray Nagin's administration, who is currently under Federal Indictment. The post which deals with Randall Cajun's posting from the Yarmouth Nova Scotia area is attached as Exhibit G.

contained in their motion and affidavit therein, specifically in the case Trout Point Lodge v Louisiana Media Company where Applicants filed motions and affidavits saying they did not know the publisher of Slabbed's identity, an assertion which is demonstrably false that deprived five US Citizens of their due process rights to contest Applicants' wild allegations.<sup>20</sup>

25. Respondent says by engaging in the exact behavior they purportedly abhorred in numerous court filings, Applicants make a mockery of the Nova Scotia judicial system and beclown the Justices of this honorable court.
26. WHEREFORE, respondent moves that this Court direct the applicants to file any motions for injunction and declaratory relief in the proper venue per the process they commenced under the Digital Millennium Copyright Act, the United States District Court for the Southern District of Mississippi as the provincial courts in Nova Scotia have no jurisdiction over the subject matter or the Respondent.

**Witnesses for the Respondent:**

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

<u>Name of Witness</u>	<u>Subject</u>
Douglas Handshoe	Lack of court jurisdiction and applicants unclean hands

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20 See letter to Nova Scotia Supreme Court Justice Leon "Pierre" Muise dated February 6, 2013 which covers the events and affidavits in detail attached as Exhibit H. Worth noting is the Lodge and related companies have since been dropped from the lawsuit referenced in Footnote 6 of that letter. That said, such recent development does not change the fact Mr. Leary repeated lied to this honorable court for the purposes of harassing internet commenters engaged in public discourse of the Broussard criminal investigation. Had Mr. Leary honestly engaged this court on that issue, respondent would have been notified of Applicant's rule 14 motions in the Louisiana Media case and would have had the opportunity to contest it. Justice Muise, with no investigation or court inquiry, amazingly concluded Slabbed New Media, LLC and Louisiana Media Company LLC were one in the same, a finding of fact most charitably described as a nonsensical.

**Contact information**

The respondent designates the following address:

Post Office Box 788  
Wiggins, MS 39577-0788

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

Further contact information is available from the Prothonotary.

Dated this 20<sup>th</sup> day of May, 2013

Respectfully submitted,



Douglas K. Handshoe  
Post Office Box 788  
Wiggins, MS 39577  
Telephone: (228) 284-0004  
Facsimile: (601) 928-5129  
Email: [earning04@gmail.com](mailto:earning04@gmail.com)

Appearing Pro se without submitting to the Jurisdiction of this honorable court under NS Civil Procedure Rule 5.10