

**District Court of Washington
County of Mason**

Shawnie Vedder,

Petitioner,

and

John Smith Goatherd,

Respondent.

No. 10CV1404

**Response, Declaration &
Memorandum to Petition For An
Order For Protection - Harassment**

(RSP)

**To the Clerk of the Above named Court and Above-Named Petitioner:
Shawnie Vedder (petitioner), aka: Shawnie Whelan, Mossy Mom, vedsha31,
manhater, @ 1017 W. Franklin St, Shelton, WA 98584-2552 --- Tel:(360)432-8114,
(e-mail:**

vedsha31@evergreen.edu/goldensound22@hotmail.com/shawnv@u.washington.edu/sheltonprogressive@gmail.com/csxii@schizoaddictive.org)

I. Response & Declaration-Memorandum

1.1 Admissions and Denials

The allegations of the petition in this matter are **Admitted** or **Denied** as follows (check only one for each paragraph):

Paragraph of the Petition

Caption)	<input type="checkbox"/>	Admitted	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1)	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input checked="" type="checkbox"/>	Lacks Information
2)	<input type="checkbox"/>	Admitted	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3)	<input type="checkbox"/>	Admitted	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
4)	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input checked="" type="checkbox"/>	Lacks Information
5)	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input checked="" type="checkbox"/>	Lacks Information
Req Tmp Ord)	<input type="checkbox"/>	Admitted	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
Req Prm Ord)	<input type="checkbox"/>	Admitted	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

Each allegation of the petition that is denied, is denied for the following reasons (List separately):

*Response to Petition (RSP) - Page 1 of 9
RCW 10.14.040 & 10.14.080*

*John Smith, pro se, respondent (360)427-3599
PO Box 1711, Shelton, WA 98584*

Caption:

- a) My name is not 'Goatherd'. I don't know anyone by that name and have never used it.
- b) The parties are insufficiently identified, inviting presumptions.
- c) The Petition does not comply with the Court Rules for formatting (double sided attachment) hence it is defective at to form.
- d) The Petition is illegible, incoherent, and seeks an Order for Protection from Harassment when no basis in law or in fact exists to grant such relief.
- e) The Petitioner was granted an Order To Show Cause when that was not the relief sought and no 'emergency' existed compelling ex parte actions instead of orderly due process allowing time to gather evidence, discovery, and witnesses.
- f) The Petition is a thinly veiled SLAPP suit attempting to interfere with the Respondent's exercise of legitimate 1st Amendment prerogatives while engaging in public debate and recording/reporting events of interest to the greater community where government agencies/bodies are currently engaged in making determinations of vital interest to residents in Mason County. (i.e. BioMassacre proposals such as Adage, LLC and Simpson Timber Co.) Arguably, no Show Cause Order, based on what was presented to the Court in this cause, should ever have issued.

1)

While Ms. Vedder may be seeking an Unlawful Harassment Order as a device to divest the Respondent of his legitimate 1st Amendment rights to Free Speech and 'FAIR USE' of Copyrighted material, he notes that Copyright disputes (such as alleged by the Petitioner) are pre-empted under Federal law. The Washington Statute contained in RCW 10.14 is intended to provide relief to those whose safety and privacy are at risk. No such showing by the Petitioner has been made. Moreover, because the U.S. Congress intended there to be a UNIFORM Copyright code instead of a patchwork quilt of copyright legislation across all 50 states, that 1976 federal legislation directed that where copyright claims mirrored the elements in the federal copyright legislation, that federal statute pre-empted state based copyright...at least those instances that arose after 1976. Ergo, this Court does not have subject matter jurisdiction to grant Ms. Vedder copyright remedies, whether or not she admits that is her ultimate goal in petitioning this court, or to determine the extent of Fair Use in this instance. Thus this action/petition should be summarily dismissed with prejudice for lack of subject matter jurisdiction...at least as to copyright—the bulk and underlying thrust of her complaint.

Ms. Vedder is in violation of Washington State's recently enacted anti-SLAPP law. (RCW 4.24.525) That law imposes a \$10,000 statutory penalty for filing a frivolous lawsuit intended to interfere with the legitimate exercise of a party's 1st Amendment Free Speech guarantees, such as here, where the Respondent is engaged in public discourse regarding an issue of vital importance to the greater community. I intend to file an anti-SLAPP motion for such sanctions in this cause. Moreover, RCW 10.14.190 itself (a sub-chapter of that which the Petitioner relies upon) contains the following language:

"Nothing in this chapter shall be construed to infringe upon any constitutionally protected rights including, but not limited to, freedom of speech and freedom of assembly."

2)

Ms. Vedder has not been the *victim* of Unlawful Harassment by the Respondent...far from it. That allegation is in dispute and denied by this Respondent. A formal trial

including time for preparation, discovery, gathering of evidence, and witnesses for a fact finding body should be afforded both parties is the Court allows this case to go to the merits. The Respondent believes there are insufficient facts and a lack of a lawful basis to proceed to that stage.

As an example, Petitioner alleges in her hand written statement something about contact 'in person', 'on internet', 'on phone', and 'stealing of copywrite property after being notified to stop.' No dates, times, or specifics are provided with which any normal Respondent could mount a proper defense. Meaningful Due Process has, accordingly, been denied the Respondent, therefore the petition should be dismissed for failing to provide adequate specifics in the allegations, if they be allegations.

The Respondent has NOT had ongoing contact (by phone or otherwise) with Ms. Vedder. The Respondent has attended public meetings and court hearings to record events for later public consumption. Ms. Vedder has also attended some of these same public events. In virtually every instance where there has been any electronic/digital communication, it has been Ms. Vedder who has initiated it. (RCW 10.14.030(1)) The only exception to this in the last few months has been a good will effort by the Respondent to mollify the Petition by, in one single instance, inviting her to dinner. That phone call lasted approximately 30 seconds. In one other instance in the last few months, Respondent left, as another good will gesture, a bouquet of flowers on Petitioner's gatepost. No rational person would take offense or find that alarming. In fact, Petitioner originally expressed pleasant surprise upon returning home to discover them. Her current allegation is blatantly disingenuous and manipulative.

I have been in the Petitioner's home (at her invitation) but once. She and her family have been in mine more than that. The Petitioner and her youngest daughter delighted in visiting our herd of dairy goats as well our llama, Ellie. All other instances of our having had visual contact were at community gatherings/events where we were engaged in attempting to persuade our elected officials to protect the community. (RCW 10.14.030(4)(a) prohibits the Petitioner's current effort to manipulate this Court.)

The Petitioner mentions 'cyber-stalking' in her Petition statement with scarcely more than that except an altered copy of a portion of the Mason County Blog discussing issues surrounding proposed bio-incineration in the community. Not only has there been *no* cyber-stalking by the Respondent of Ms. Vedder, but RCW 9.61.260 sets a high bar for establishing such allegations as fact. It reads in part as follows:

(1) A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

(a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;

(b) Anonymously or repeatedly whether or not conversation occurs; or

(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

(2) *Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.*

The rest of RCW 9.61.260 refers to repeat offenders.

The Petitioner hasn't come, even distantly, within the parameters of the statute's language for cyber-stalking. She may be 'annoyed' that her public attacks on the character of the Respondent were publicly rebutted with material easily/universally available on the internet, but that doesn't satisfy the language of the cyber-stalking statute. If the Plaintiff chooses to use the internet to make anonymous public attacks against the Respondent, then it is a well settled legal maxim he can use it as a shield. Ms. Vedder attempts, here, to salve her ego by abusing a process designed to protect her, et ux, from actual harm and harassment while calculating the Court will not be informed of the serious harm and harassment she has recently visited upon the Respondent and his household.

Not only has Ms. Vedder threatened or contacted the Respondent on a number of occasions using fictitious names in an attempt to hide her identity, but she has vandalized Respondent's mail box and killed two (2) of his valuable Nubian bucks used for breeding in our pedigreed Nubian dairy goat herd. That constitutes 'contact' of a most unwelcome sort with the Respondent. The threatening/aggressive electronic/digital contacts initiated by the Petitioner to the Respondent will be documented in attachments submitted to the Court for the record.

3) The illegibility of the Petition makes it difficult to know what's alleged, but in any event the Respondent has never harassed Ms. Vedder. However, Respondent admits to living within Mason County, although approximately 24 miles from the Petitioner.

4) Ms. Vedder has 2 charming underage daughters (6 & 13) living with her at her residence in Shelton. I believe she is married to and lives with a gentleman named Bob Whelan, an English foreign national. While I find them all agreeable, I have had no contact with them for months. All are afflicted by some health issues, but Ms. Vedder appears to be suffering from a mental condition that qualifies her to receive Social Security benefits despite her physical well being. Accordingly, the Petitioner is affected by disabling radical mood swings which call into question her judgment in filing this cause. While I sympathize with her situation, I cannot stand idly by while she poisons my animals, destroys my property, and targets my capacity to have civic discourse with citizens of like mind. For the Court to enable the Petitioner's malady (bi-polar paranoid delusions) would be a gross miscarriage of justice ultimately likely to result in the Plaintiff's own undoing in the end.

5) There are and have been no other Court cases involving myself and Ms. Vedder.

Req Tmp Ord) Ms. Vedder has checked every box, here, that meets her fancy. All were denied by Commissioner Adamson who entered a Show Cause Order instead.

Req Prm Ord) Petitioner requests restraint from *surveillance* despite not one scintilla of evidence/testimony the Respondent ever had Ms. Vedder under 'surveillance'. The relief should be denied as unnecessary and within the parameters of Washington State's recently passed anti-SLAPP law. (RCW 4.24.525)

There are many who I personally find annoying or don't care to hear from. And there are those who are fond of not hearing from me. Neither requires the intervention of the Court. The Petitioner seeks to have this Court restrain the Respondent from 'contacting' Ms. Vedder despite his disinclination to do so. The relief is not only unnecessary and a waste of Court resources, it is disingenuous, manipulative, and a continuation by the Petitioner to harass the Respondent for refusing to acquiesce to her demands regarding the copyright dispute.

It is patently absurd to enter a restraint prohibiting the Respondent from entering the Petitioner's residence. The Respondent is not in the habit of entering homes where he is not welcome. The Respondent has been in the Petitioner's home but once at her invitation. The opprobrium the Petitioner seeks to levy against the Respondent through this Court would have a chilling effect on his exercising 1st Amendment rights without justification. The relief sought is transparently vindictive rather than remedial.

The 100' distance prohibition sought by the Petitioner against the Plaintiff would deprive him of the opportunity to attend or remain at any number of public events/meetings/hearings he now normally attends without incident when Ms. Vedder also attends the same. I believe the Petitioner resents my participation at these public gatherings. No showing has been made whatsoever that the Respondent has physically harassed or threatened the Petitioner.

The Petitioner's demand for remedial relief from this Court regarding a copyright dispute are misplaced because it is an improper forum/jurisdiction for the same. Because Federal law pre-empts Washington State law for creative works rendered after 1976, this demand must fail and be rejected/denied due to lack of subject matter jurisdiction.

There is no showing of and has been no harassment toward the Petitioner by the Respondent at all, let alone an argument the same is likely to 'resume'! Contemplation of attenuating Respondent's freedom of speech and movement by the Petitioner is not only unjustified, but frivolous and a violation of RCW 4.24.525. (anti-SLAPP law)

The Petitioner should be expected to pay her own filing fees and costs given her baseless allegations and frivolous lawsuit in the above cause. Little attention to detail is evident in her penmanship, lack of specifics, incoherent statement, failure to file in a proper venue with subject matter jurisdiction over her *real* issue, a copyright dispute.

A close reading of her attached material reveals much in the way of how vacuous her filing was from the outset. The Respondent is not in a position to anticipate/treat the paranoia that periodically besets the Petitioner. Accordingly, the relief sought by the Petitioner should be denied and she will be none the worse for it.

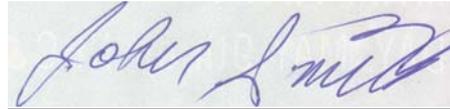
A police report has been filed reporting the death of the two Nubian bucks referenced above as well as the vandalism to the Respondent's mailbox. Photos placed on the Petitioner's 'Shelton Blog' reveal her proximity and opportunity when the crime occurred. This action and the writings submitted for the record reveal motive. Petitioner's mental state along with her own online admissions reveals the kind of propensity this Court should consider in reaching its determination.

A litigant's failure to produce evidence that would tend to meet his/her burden of proof can be weighed in reaching a verdict by the fact finding body. This Court's cooperation in acquiring a copy of the above mentioned Police Report is requested.

An additional material fact in weighing probity in a he said/she said type of litigation is the following admission made to me by the Petitioner when we were on better terms. Ms. Vedder revealed an incident that occurred when she was photographing the downtown Shelton Simpson facilities one evening late at night. A Simpson security guard drove up and challenged her presence at such an hour. When the man wouldn't accept her first explanation, she resorted to intimidation by telling him she was a "young woman...alone at a late hour in an isolated place where a man in a truck was HARASSING her." According to Ms. Vedder, the security guard beat a hasty retreat by leaving her. Ms. Vedder is no stranger to the Courts and filed any number of allegations against her ex-husband by way of seeking legal advantage. She chuckled as she recounted the story of the Simpson security guard. This woman is more than capable of misleading the Court without blush or pause.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A.72.085 that the foregoing is true and correct..

Dated: December 20, 2010



Signature of Respondent or Lawyer/WSBA No.

John Smith, pro se, respondent
Print or Type Name

PO Box 1711, Shelton, WA 98584
(Address)

1.2 Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the address below.

1.3 Other

See attachments: (1-6)

II. Request for Relief

- Does not apply.
- The respondent requests the court to grant the relief requested below.
- Sanction Petitioner pursuant to statutory relief available under RCW 4.24.525 (\$10,000)
- Dismiss Petitioner's Petition with prejudice as without factual or legal foundation.
- Impose Rule 11 Sanctions against Petitioner.
- Enter a finding and conclusions of law the copyright dispute in this case is pre-empted by U.S. Federal Law and the federal courts are the proper venue for the same.
- Approve costs and fees for Respondent's defending against this action.
- Such other relief as the Court deems appropriate and just.

Protection Order:

- There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
- The court should grant the Respondent an anti-harassment order for protection:
 - attached to this response.
 - filed separately under this case number case number _____.

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms or RCW 10.14 Antiharassment forms.

- Enter a continuing restraining order.
- Order payment of attorney fees, other professional fees and costs.
- Other: Prohibit/enjoin Petitioner from coming within ¼ mile of Respondent's residence or animals and 100 yards of his person or vehicle.

Dated: 12-20-10



Signature of Respondent or Lawyer/WSBA No.

John Smith, pro se, respondent
Print or Type Name

PO Box 1711, Shelton, WA 98584
(Address)

Notice to party: You may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

**COURT OF WASHINGTON
FOR THE COUNTY OF MASON**

Shawnie Vedder
Petitioner

vs.

John Smith Goatherd
Respondent

NO.10CV1404

**ORDER FOR PROTECTION -
HARASSMENT (ORAH)**

Court Address: 419 N 4th St, Fl 1
Shelton, WA 98584-3419

Mailing: PO Box O
Shelton, WA 98584-0090

Telephone Number: (360)427-9670 x-339
(360)427-7776 (fax)

(Clerk's action required)

WARNING TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 10.14 RCW and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under chapter 7.21 RCW.

1. [x] Full Faith and Credit: This order is issued to prevent violent or threatening acts of harassment. The court has jurisdiction over the parties, the minors and the subject matter. This order is issued in accordance with the Full Faith and Credit provisions of VAWA. 18 U.S.C. § 2265.
2. Notice of this hearing was served on the respondent by personal service service by publication pursuant to court order [x] other: Scheduled/Noted up by Petitioner.
3. Minors addressed in this order:

Name (First, Middle Initial, Last)	Age	Race	Sex

Based upon the petition, testimony, and case record, the court finds that the respondent committed unlawful harassment, as defined in RCW 10.14.080, and was not acting pursuant to any statutory authority, and **IT IS THEREFORE ORDERED THAT:**

Respondent is RESTRAINED from making any attempts to keep under surveillance petitioner and any minors named in the table above.

	Respondent is RESTRAINED from making any attempts to contact petitioner and any minors named in the table above.
XXX	Respondent is RESTRAINED from entering or being within <u>1/4 mile</u> (distance) of petitioner's <input checked="" type="checkbox"/> residence <input type="checkbox"/> place of employment <input checked="" type="checkbox"/> other: 100 yards of Respondent or his animals <input type="checkbox"/> The address is confidential <input checked="" type="checkbox"/> Petitioner waives confidentiality of the address which is:
	Judgment is granted against Shawnie Vedder for fees and costs in the amount of <u>\$200.00</u> .
	Other: <u>Shawnie Vedder is ordered to pay Respondent \$10,000 Statutory Award for violation of RCW 4.24.525</u>

IT IS FURTHER ORDERED that the clerk of court shall forward a copy of this order on or before the next judicial day to:

Mason County Sheriff's Office
 Shelton Police Department, **WHERE PETITIONER LIVES** and shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

The clerk of court petitioner shall forward a copy of this order on or before the next judicial day to:

_____ County Sheriff's Office,
 _____ Police Department, **WHERE RESPONDENT LIVES** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

OR Petitioner has made private arrangements for service of this order.
OR Respondent appeared; further service is not required.
OR Respondent did not appear. The restraint provisions in this order are the same as those in the temporary order. The court is satisfied that the respondent was personally served with the temporary order. Further service is not required.

THIS ANTIHARASSMENT ORDER EXPIRES ON _____.
If the duration of this order exceeds one year, the court finds that respondent is likely to resume unlawful harassment of the petitioner when the order expires.

DATED _____ at _____ a.m./p.m.

JUDGE/COURT COMMISSIONER

I acknowledge receipt of a copy of this Order:

I acknowledge receipt of a copy of this Order:

Petitioner

Date

Respondent

Date