

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

DONNA S. SHELL

v.

AMERICAN FAMILY RIGHTS
ASSOCIATION, ET AL

Docket No: 09-CV-00309 MSK-KMT

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 26 2009

GREGORY C. LANGHAM
CLERK

October 19, 2009

**DEFENDANT'S RESPONSE AND COUNTER CLAIM TO [335] PLAINTIFF'S
VERIFIED MOTION FOR IMPOSITION OF COSTS OF PERSONAL SERVICE UPON
DEFENDANT AIMEE DUTKIEWICZ PURSUANT TO FED.R.CIV.P. 4(d)(2) AND FOR
SANCTIONS**

COMES NOW, Defendant Aimee Dutkiewicz ("Dutkiewicz") opposes unsubstantiated costs and sanctions that are barred in this case as ruled by the court in May of 2009. The Plaintiff is not entitled to cost that have been alleged to occur with Marshal, Arthur B. Cyr. Mr. Cyr failed in both attempts to serve Dutkiewicz and had lied in the first attempt when in fact he had never made an attempt to serve Dutkiewicz.

The court correctly ruled that Mr. Cyr made no attempt to serve Dutkiewicz but gave a copy of the complaint with a non-resident and non-family member in the middle of the street. Dutkiewicz was NOT served properly in the first attempt.

On the second attempt, Mr. Cyr went to the wrong apartment according to his own statement to the court declaring that he was unsuccessful in serving Dutkiewicz.

1. In response to paragraph 6, the Plaintiff again is perpetrating fraud upon the court by saying Dutkiewicz lived at 40 Landry Street when she has never lived there. Dutkiewicz' ex-husbands aunt and uncle have been living there for the last

30-years and their names are Joe and Joyce Dutkiewicz. The Plaintiff needs to get her facts straight instead of lying.

2. Paragraph 7, Dutkiewicz objects to this charge of sending mail to the wrong address without confirming the tenants.
3. Paragraph 8, The Gridley street address wasn't new because she never moved from Landry Street because she never lived there.
4. Paragraph 9, The Plaintiff drew a line through the Landry Street address and hand wrote the Gridley Street address and made a copy of said document prior to mailing.
5. Paragraph 10, Not Relevant.
6. Paragraph 11, Not Relevant.
7. Paragraph 12, Not Relevant.
8. Paragraph 13, Defendants have no obligation to tell Plaintiff where they live and what their phone number is as the Plaintiff has previously sent out emails demanding that all defendants disclose all other defendants names and addresses. The Plaintiff needs to stop crying.
9. Paragraph 14, Not Relevant.
10. Paragraph 15, Not Relevant, Plaintiff did not complete thought for paragraph 15.
11. Paragraph 16, Dutkiewicz never obstructed the Plaintiff in serving her. The Plaintiff was free to hire a competent Marshall to serve Dutkiewicz at home, in the street or at some public function.
12. Paragraph 17, The court never found that Dutkiewicz was evading service. This is a fabrication on the part of the Plaintiff. Dutkiewicz was not a Defendant in the

case until the Plaintiff served her properly. Dutkiewicz has no obligation or duty to the Plaintiff or the court to notify neither that she has moved nor is she obligated to give a forwarding address as the Plaintiff falsely claims. Plaintiff further deceives the court by saying that Dutkiewicz "utilizing community resources to conceal her whereabouts" without presenting evidence again. The Plaintiff further rants and raves about Dutkiewicz' employer (Comcast) protecting their employees private information by not disclosing confidential information on its employees to anyone. In fact, security was alerted when the Plaintiff and her cronies called Comcast impersonating a police officer several times demanding information on Dutkiewicz and how to get a hold of her. When the Comcast supervisor asked for the badge number and to what police department they belong to they hung up. Their voices were recorded and Dutkiewicz is in the process of getting those recordings. It is illegal in the State of Connecticut to impersonate a law enforcement officer. The court needs to be made aware of the illegal tactics that the Plaintiff and Linda Elf a/k/a Effie Belou are going to, even breaking the law. The Plaintiff further rants and raves about Dutkiewicz getting a Post Office Box and that it was in her ex-husband's name, so what. Mr. Dutkiewicz recommended in getting a P.O. Box so court documents can be sent to her and be secured. Mr. Dutkiewicz opened it up in his name because he offered to pay for it and Aimee Dutkiewicz couldn't be present to show identification to the clerk as required since 9-11. Plaintiff's argument is not relevant. The Marshal for the Plaintiff never contacted property management, business or individuals. The Plaintiff further lies to the court by saying she

submitted subpoenas to unknown parties and these subpoenas are not part of the court record and has never been disclosed to any defendants. Why does the Plaintiff insult this court and the defendants by saying she provided subpoenas to people she doesn't even know? How do you serve a subpoena with out knowing the persons name? The Plaintiff again as always makes these outlandish claims but never provides proof. Did the Plaintiff forge the court's signature on the subpoenas and impersonate the court? The Plaintiff does not show proof that it cost her in advance \$65.00 for anything. In footnote 3, Plaintiff falsely claims that Dutkiewicz was engaged in evasions of some kind when Dutkiewicz lived and worked out in the open. The Plaintiff also asserts that it costs Linda Elf a/k/a Effie Belou a non-person and a non-marshal \$335.00 but only claims it costs a licensed Marshal only \$65.00. The State of Connecticut Attorney General recently went public on Marshall's charging money above and beyond what is legal in the state of Connecticut and was going to go after the price hikers and prosecute them. Dutkiewicz would be glad to file a complaint against Linda Elf a/k/a Effie Belou with the AG's office for charging illegal rates and using a factious name called Effie Belou. Plaintiff's \$335.00 claim is not consistent with state statute and can only charge what the law will allow. Neither the Plaintiff nor Linda Elf can make up his or her own charges. The Plaintiff further admits that she illegally used Dutkiewicz' Social Security number to do a search but fails to provide the receipt and how she illegally acquired her number, she needs to explain to the court and Dutkiewicz how she illegally had gotten and used this number for an illegal purpose. The Plaintiff further needs to explain to the court

how she came about the utility records of Dutkiewicz and who disclosed them to her. The Plaintiff further attempts to lie to the court by saying Mr. Dutkiewicz obstructed the first attempt of service when the court never made such a finding. In fact, the obstruction of service was a fabrication on the part of the Plaintiff. Mr. Dutkiewicz was just sitting in his truck in the street minding his own business. Mr. Dutkiewicz never prevented the Marshall from going on the property to knock on Dutkiewicz' door, he refused to. At the time of the first attempt of service on Dutkiewicz, she was at Bristol Hospital at the time for an evaluation of knee surgery and hospital records can support the time and date. No one collaborated to obstruct and this whole argument on the Plaintiff's part is not relevant other than she likes to her herself rant and rave and is a moot point. The Plaintiff further asserts that the total of all her receipts that were not provided in [335] came to \$542.06. The Plaintiff shouldn't get anything relating to any of the failed service attempts by Marshal Cyr.

13. Paragraph 18, The Plaintiff now asserts an additional \$400.00 when she can't. She just claimed in paragraph 17(e) that the total amount was \$542.06.
14. Paragraph 19, It is not outrageous for the Defendant to require the Plaintiff to do her job. It's further not outrageous for Defendants not to send up a smoke signal to show the Plaintiff the way to their doorstep. No Defendant has a duty or legal obligation to tell Plaintiff where they live and on what day she can catch up with them.
15. Paragraph 20, The statute allows defendants the option to sign or not sign a waiver of service. Dutkiewicz chose to not sign the waiver as a right under the

law. It is not an option to sign waiver if all defendants are coerced, threatened or compelled with costs if they refuse to sign the waiver. Then why serve any one . . . lets just threaten all defendants that they must waive service. Let us forget about due process.

16. Paragraph 21, The Plaintiff has repeatedly again and again wants to knowingly violate the court's order by filing a request for sanctions. This request for sanctions should be summarily struck down with prejudice and the Plaintiff should be punished as promised by recent court ruling if anyone filed another request for sanctions. If sanctions were to be imposed, they need to be on the Plaintiff for her continued lying in this case by fabricating evidence that doesn't exist just as the Dutkiewicz has illustrated in the above document. The Plaintiff lied in open court in May 2009 when she falsely claimed that she spoke with Dutkiewicz' landlord when she didn't and then she lies further claiming that Mr. Dutkiewicz had moved in with his ex-wife when in fact he lived at his Locust Street apartment until the end of July. There was NO evasion of service. Dutkiewicz lived right out in the open. The Plaintiff is defining evasion of service by saying all defendants had to by law tell her where they live and work with their phone numbers; she doesn't realize it doesn't work that way. They're never any obstruction of service on the part of Dutkiewicz. On each and every attempt of service, Dutkiewicz was a work and Comcast can swear to that effect. Dutkiewicz has no obligation to take the day off and wait for the Plaintiff to serve her. No employer like Comcast would provide any personal information on an employee especially when Shell and her cronies call up Comcast impersonating

police. Not only is this illegal, it's very deceptive and indicates an evil motive on the part of the caller. Comcast rightfully and by law did not provide the Plaintiff with confidential information protected by company policy and by state labor laws. It would have opened Comcast to a lawsuit. There was no use of community and the Plaintiff again fails to prove any of her false assertions in [335]. There was no false or egregious act of filing a false criminal report against Linda Elf a/k/a Effie Belou. If you are a mother and an unknown person comes to your door while your children are home and smashes an antique jar and not take responsibility for it, you call the police. Failing to call the police in this situation would be neglectful as a parent. I guess the Plaintiff is saying you shouldn't call the police if a stranger breaks personal property and then runs. Dutkiewicz has never filed a frivolous motion [280] challenging the service of summons. It is common practice to challenge service of summons and a proper and legal way to resolve the matter. Again, the Plaintiff doesn't know what she is talking about. The fact of the matter, the Plaintiff's entire complaint is based on faulty legal conclusions without supporting evidence as outlined by the attorneys of record. In furtherance of the Dutkiewicz' argument, the Plaintiff's document [335] is entirely based on false assertions, fabricated evidence, faulty legal conclusions and virtually no supporting evidence. In response to footnote 4, Plaintiff failed to disclose where this came from, who said it and on what date it was said. I do believe it was said after Dutkiewicz was served by Linda Elf a/k/a Effie Belou.

17. Paragraph 22, Plaintiff's requests for sanctions against Dutkiewicz and should be struck down for violations of the court order and 2) there is no legal basis for sanctions.

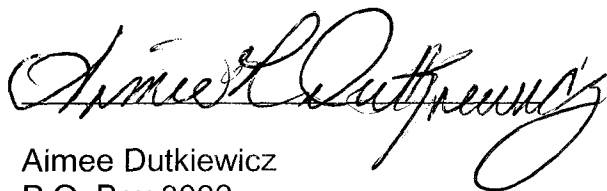
18. In the end, the Plaintiff falsely declares that everything in [335] is truthful and not a lie when in fact it is swarming with lies, misinformation and deceptive statements and practices.

Defendant's Counter Claim

As a counter claim if the judge awards any reimbursement costs to Plaintiff and she should not. The \$150.00 that Linda Elf a/k/a Effie Belou agreed to pay Dutkiewicz and she told the police she would pay Dutkiewicz for breaking antique jar on her porch and didn't accept responsibility for breaking it until Dutkiewicz tracked her down with the police. That \$150.00 needs to be applied to those costs alleged by the Plaintiff.

WHEREFORE, The Plaintiff's fabricated and inflated costs that were not justified in this case should be summarily dismissed for she failed to show with receipts from Linda Elf a/k/a Effie Belou on how and why it cost Linda Elf so much money to walk up to Defendant's door and hand a 16-year-old a brown envelope. At best, Linda Elf should only be entitled to the maximum fee of \$65.00, which Marshal's are only entitled to.

DEFENDANT

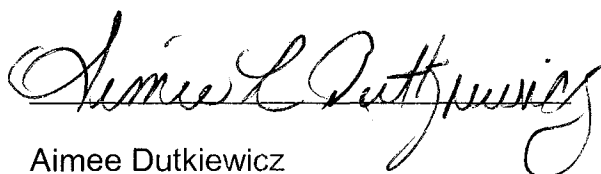


Aimee Dutkiewicz
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Bristol, CT 06011-3022

CERTIFICATE OF SERVICE

This is to certify that the Defendant has caused a copy of the above-named document was mailed by first class mail to the following interested persons on October 19, 2009.

Suzanne Shell 14053 Eastonville Road Elbert, CO 80106	National Association of Family Advocates c/o Dorothy Kernaghan-Baez 811 Aumond Place East Augusta, GA 30909
Dee Contreras 10571 Colorado Boulevard Apartment B-101 Thornton, CO 80233	Dorothy Kernaghan-Baez 811 Aumond Place East Augusta, GA 30909
Leonard Henderson 4773 Salmon River Highway Otis, OR 97368	Ringo Kamens Alex Bryan (sued as Ringo Kamens) Box 60084 Olympia, WA 98505
Susan Adams Jackson 40 Orlando Avenue Winthrop, MA 02152-2248	William Wiseman P.O. Box 693 Klamath Falls, OR 97601 /s Brandy Slater
William Tower 7334 Chivalry Way Citrus Heights, CA 95621	Thomas M. Dutkiewicz P.O, Box 9775 Bristol, CT 06011
Judge Marcia S. Krieger Alfred A. Arraj US Courthouse A941 Courtroom A901 901 19th Street Denver, Colorado 80294-3589	/s Brandy Slater For Law Office of Dan Slater



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