

# FAX COVER SHEET

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**DOUGHERTY AND**  
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**DATE:** August 7, 2008

**TO:** Marshall H. Tanick  
Stephen H. Parsons  
Lori Swanson  
Attorney General

**FAX NO. 612-339-3161**

**FAX NO. 651-297-4193**

**FROM:** Victor Lund

**TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET:** 7

**RE:** Our File No. 4568-32  
Freeman and D'Angelo v. Swift

**MESSAGE:**

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NORTH DAKOTA

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August 7, 2008

District Court Administrator  
Hennepin County Government Center  
1251 Court Tower  
300 South Sixth Street  
Minneapolis, MN 55487

Re: Court File No. 27-CV-08-9585  
Our File No. 4568-32  
Freeman and D'Angelo v. Swift

Dear Court Administrator:

Enclosed herewith for filing is the Affidavit of James D'Angelo in the above matter. This is in connection with the Plaintiffs' Memorandum in Opposition to Motion to Dismiss which we filed on August 4, 2008. The motion fee was paid at that time.

By a copy of this letter, the signed Affidavit of James D'Angelo is being served upon defendant's counsel and the Attorney General.

Very truly yours,

MAHONEY, DOUGHERTY AND MAHONEY  
Professional Association

Victor Lund  
VL/ma  
Encl.

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obtain permission in advance to leave the premises. However, Nexus is prohibited by law from locking the doors. The treatment centers are not locked facilities. Anyone who really wants to can leave. Each facility has staff, part of whose job description is to endeavor to prevent persons from leaving the facilities and report them to the police if they do. There are locked juvenile detention facilities in Minnesota where judges can send delinquents who have been determined to be dangerous. Juveniles who have been determined to be dangerous are not sent to the Onamia Nexus facility. Anyone sent to Onamia Nexus has been determined not to represent a danger for physical violence, either to himself or others.

4. Nexus has operated a residential treatment center for juvenile sexual offenders in Onamia for 17 years, located in the middle of town, visible from Highway 169, in the building that was owned by the Crosier order of priests. The Nexus facility currently has 94 beds.

5. In 2007, I spearheaded a plan to replace the existing Nexus Onamia facility by building a new building on 38 acres west of Onamia. The old building needed substantial improvements to bring it up to code. The plan was for the city to purchase the property and to sell it to an affiliate of Nexus. All of the property has been re-zoned, and construction of the new building will begin soon. The new campus is approximately two miles from Nexus' former facility, within a newly annexed part of the City of Onamia. The new facility will be licensed for 94 beds for juveniles.

6. The previous owners of the 38 acres were ready and willing to sell. It was a sale negotiated at arms length. Janette J. Swift is not and never has been one of the owners of the property. I understand she lives in Bradbury Township on property owned by her mother. This property does not adjoin the 38 acres, but is approximately one-half mile removed.

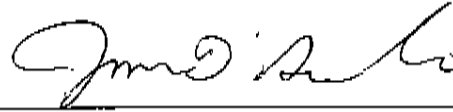
7. I recognize that the Nexus relocation project in Onamia is a matter of public interest to the citizens of Onamia and the surrounding area. People will have opinions on the merits of the project, and they are entitled to express those opinions. All aspects of the project have required approval by the government of Onamia or some subdivision thereof. Onamia gave that approval at all stages. Various citizens, including Janette J. Swift, appeared at hearings throughout this process to express their views on how they thought the government should rule on the various pending requests. They are entitled to do so. They are entitled to vote the current government of the City of Onamia out of office or to run for office themselves. So far, the citizens of Onamia have not voted the government out of office.

8. I sued Janette J. Swift seeking damages for defamation not because she appeared at government hearings to express her opinion that the Onamia Nexus relocation project should not go forward, nor because she calls me uncomplimentary names on her blogs. I sued her when she made postings to her blogs with purportedly factual statements about me which are untrue and without any basis whatsoever. The FBI has never had me under investigation. My wife has not left me. I did not run a crooked company. I am not dishonest. Nexus did not fire me. I was never on my way to jail for racketeering. I have not mismanaged my finances. I do not prey upon the weak and infirm. I have not made death threats against Janette J. Swift. These statements on her blogs caused me great indignation, and I believe have damaged my reputation.

9. I deny that I ever told Janette J. Swift that I sued her because I thought it would make her go away. I remember a discussion with her following an Onamia city council meeting in which I suggested that she was creating a great deal of turmoil for herself unnecessarily, but I never said that I sued her because I thought that she would just go away. I do not expect that she

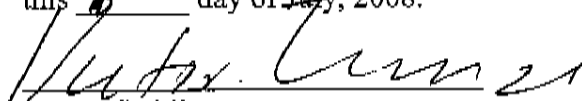
will discontinue her blogs altogether. I maintain that she should be required to remove from her  
blogs false and defamatory factual statements.

FURTHER YOUR AFFIANT SAITH NOT.



James D'Angelo

Subscribed and sworn to before me  
this <sup>August</sup> ~~8<sup>th</sup>~~ day of ~~July~~, 2008.

  
Notary Public

