

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Type of Case: Other Civil (Defamation)

Nexus, a Minnesota
nonprofit corporation,

Court File No. _____

Judge: _____

Plaintiff,

-vs-

SUMMONS

Janette J. Swift,

Defendant.

STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon the attorneys for the plaintiff an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Pursuant to Minn. Stat. § 543.22, you are advised that Rule 114, et seq. of the General Rules of Practice for the District Court provides for a system of alternative dispute resolution (ADR).

Dated: June 4, 2008.

MAHONEY, DOUGHERTY AND MAHONEY
Professional Association



Victor Lund #160076

Mark J. Manderfeld #6712X

Attorneys for Plaintiff

801 Park Avenue

Minneapolis, MN 55404

(612) 339-5863

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Type of Case: Other Civil (Defamation)

Nexus, a Minnesota
nonprofit corporation,

Court File No. _____

Judge: _____

Plaintiff,

-vs-

COMPLAINT

Janette J. Swift,

Defendant.

Plaintiff, Nexus, a Minnesota nonprofit corporation, for its Complaint against defendant, Janette J. Swift, states and alleges as follows:

I.

Nexus is a Minnesota nonprofit corporation with a registered corporate office in Hennepin County, Minnesota.

II.

Nexus has operated a residential treatment facility for juvenile sex offenders in the City of Onamia since the mid-1990s. Nexus has plans to build a new residential treatment facility for juvenile sex offenders approximately two miles from its current location. Nexus has followed the required legal procedures with the City of Onamia regarding permits, zoning and related matters, which proceedings have resulted in public hearings before the appropriate governmental bodies.

III.

Defendant Janette J. Swift lives in Bradbury Township near the City of Onamia in the County of Mille Lacs approximately one-half mile from where Nexus plans to build its new

facility. She maintains web pages, popularly known as blogs, known as *The Bradbury Buzzz* (<http://bradburybuzzzblogspot.com>) and the *Mille Lacs News* (<http://www.millelacsnews.com>).

IV.

Defendant has appeared at many, if not all, of the public hearings concerning the building of Nexus' new facility and has expressed an opinion in opposition to the plans and intentions of Nexus and the City of Onamia. She has placed her opinions on these issues on her blogs on the internet which are available for the entire world to see. She has attempted to block Nexus and its attorneys from viewing her websites.

V.

The name of the webmaster or author of the opinions appearing on the web pages is given as "Hannabelle." On information and belief, Hannabelle is defendant.

VI.

Defendant has published false and defamatory material on her blogs regarding the former chief executive officer of Nexus and has sent false and defamatory e-mails to the supervisor and co-workers of a member of Nexus' volunteer Board of Directors. In each of these cases, a specific written request was made to defendant to cease and desist from such actions and, after defendant refused and failed to do so, those individuals brought suit against defendant, which lawsuit is currently pending in Hennepin County District Court.

VII.

On or about March 3, 2008, defendant appeared at a public hearing before the Onamia City Council on the subject of the re-zoning of the property on which Nexus planned to build its new facility. At that hearing, defendant asked the City Council whether they were aware that a

young boy under Nexus' care "died at the hands of one of their employees." Shortly thereafter, defendant posted a video of the hearing on YouTube, an internet site on which almost anyone may post a video, entitled: "3/3 Onamia Public Hearing-Nexus Employee kills a Child." The video, posted at the web address of <http://www.youtube.com/watch?v=k5uLLy0Mt4Man>, shows portions of the zoning hearing interrupted by footage of large white text against a black background set to a somber musical background. In her statements to the City Council and in the interspersed text of the video, defendant states that the boy, whom she names, was "killed" and "asphyxiated" in 2001 by an employee of Nexus, whom she also names, that the death was "ruled a homicide" and, just before ending the video with a picture of the boy, the text states: "Nexus Treatment Centers getting away with MURDER."

VIII.

On defendant's "*Mille Lacs News*" website, at <http://millelacsnews.com/Obituaries.htm>, defendant has posted the following "obituary:"

T___ W___ was killed by a **NEXUS** staff member, while in a prone restraint hold on February 9, 2001 at **Gerard of Iowa** in Mason City, an institution for children with behavior problems owned by **NEXUS**. An autopsy determined that T___ was suffocated to death. He was 11 years old. T___'s death was ruled a homicide. **NEXUS**, a multi-million dollar corporation, sold Gerard of Iowa, but maintains several other facilities in Minnesota and Illinois, including **Mille Lacs Academy** in Onamia.

The website contains the full name of the boy and his picture along with a link to the video described in the preceding paragraph of this Complaint.

IX.

The contents of the blogs and the YouTube posting by defendant accusing Nexus and its employee of "murder" are false, scurrilous and defamatory. No one has ever been charged with

murder in the case. The staff member involved in the restraint of the boy performed it according to Nexus policy and procedures established and accepted in the industry and approved by the State of Iowa. No one except defendant has ever called the tragic accident “murder.” For a time, criminal charges for Child Endangerment under Iowa statutes were initially brought against the employee but those charges were dropped before trial upon motion of the prosecution when the validity of the opinion of the medical examiner, the only person who called the event an “asphyxiation homicide,” was questioned by the state’s own consulting expert.

X.

The contents of the blogs and the YouTube posting by defendant accusing Nexus of murder have caused Nexus embarrassment and injured its reputation. The statements tend to lower Nexus in the esteem of the public. The statements tend to call into question Nexus’ competence in its field and have caused monetary damages in an amount yet to be determined.

XI.

On May 19, 2008, one of the undersigned as counsel for Nexus, wrote to defendant demanding that she retract all of the above-described statements and remove the defamatory material from her web pages and YouTube. The next day, defendant published her blog containing the following, which essentially republishes her defamatory statements:

Once again Nexus' true nature is showing from behind its **Mask of Benevolence**. Don't they pretend to be *sumpthin special*? Listen... Special, they're not. Rich, corporate thugs. That's what they are. Money is what they care about. They are devious, but not very bright. If they were, they wouldn't continue to use strategies that don't work. They choose brawn over brains. They have money, not ethics. People, these are BAD PEOPLE.

They invaded my neighborhood and bullied the citizens into submission, using our local government to remove citizens' rights. The city council, on behalf of

Nexus, ignored or changed the laws which prohibit a juvenile sex offender facility from relocating into a residential neighborhood. Nexus calls themselves an "Academy", which they aren't, but it sounds better than "Convicted Sex Offenders". They call themselves "R2 Zoning Classification", which they aren't, but it allows them to circumvent Spot Zoning laws. **THEY ARE A BUNCH OF PHONIES!** They promised to work with the community, but they didn't. They promised to consider the neighbors, which they didn't. They lied about leaving town if they didn't get tax exemption from the state. They lied about crimes and escape records of the sex offenders. They claim to be a benefit to the community, but they aren't. Nexus puts on the Mask of Benevolence. But what is behind that mask is uglier than anything anyone but Stephen King could dream up. Ugly, horrible people who **IN MY OPINION** have no business dealing with any children, let alone kids with problems.

Why? Because the people who run Nexus are deficient. They lack things like intuitiveness, flexibility, common sense, and especially - compassion. They are small-minded and self-involved. Ego centric. **ME ME ME**. They won't give an inch. The end not only justifies the means, they actually seem to take pleasure in the "means", torturing innocent people who just want to be left alone. I certainly didn't go out of my way to pick a war with Nexus. **THEY CAME HERE AND HARASSED ME!** They have amply demonstrated that they employ bullying tactics which have caused physical, emotional, and financial damages to those who oppose them. They have shown a propensity for punishment and a sadistic approach to dealing with adversaries.

While speaking through the Mask, you will notice phrases like "1st Amendment Rights" and "Freedom of Speech", but if you say something they don't like, their first action is to threaten to sue you. Their second action is to actually sue you. I believe that Nexus is out to destroy me. That is more than my opinion. That is my gut reaction to how they have treated me. Nexus certainly is an expert in the field of abuse. It is, after all, their specialty.

When I say that Nexus is getting away with murder, I'm not just referring to the little boy that one of their employees killed. "Getting away with murder" is a phrase which means that someone is perpetrating bad behavior without any consequences. Nexus certainly fits the bill.

And it is a bill that we all must pay - but especially me.

XII.

Even if Nexus is a public figure, defendant made the statements with actual malice and with reckless disregard for whether the statements were true or false.

XIII.

Nexus will continue to suffer injury to its reputation and other irreparable harm if the court does not enjoin defendant from repeating her false and defamatory statements and require her to remove such statements from her blogs and YouTube.

WHEREFORE, plaintiff prays for an order of the court enjoining defendant Janette J. Swift from repeating the above-referenced defamatory statements about plaintiff, enjoining defendant from making further defamatory statements about plaintiff, and requiring her to remove defamatory statements from her web postings and YouTube, and awarding plaintiff monetary damages, costs, disbursements, and such other relief as may be appropriate.

Dated: June 4, 2008.

MAHONEY, DOUGHERTY AND MAHONEY
Professional Association



Victor Lund #160076

Mark J. Manderfeld #6712X

Attorneys for Plaintiff
801 Park Avenue
Minneapolis, MN 55404
(612) 339-5863

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minnesota Statute Section 549.21, subd. 2, to the party against whom the allegations in this pleading are asserted.



Victor Lund