

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Type of Case: Other Civil (Defamation)
Court File No. 27-CV-08-9585

Peter Freeman and
James D'Angelo,

Judge: Marilyn Brown Rosenbaum

Plaintiffs,

-vs-

JOINT STATEMENT OF THE CASE

Janette J. Swift,

Defendant.

1. All parties have been served with process. The case is at issue and all parties have joined in the filing of this Joint Statement of the Case.
2. Estimated trial time: 1 day, 4 hours (estimates less than a day must be stated in hours).
3. Plaintiffs waive their previous request for a jury.

Defendant does not waive the request for a jury. Defendant requests a jury.

4. Concise statement of the case including facts plaintiffs intend to prove and legal basis for claims:

Defendant Swift libeled plaintiffs Freeman and D'Angelo by publishing false and defamatory statements about them on her two web pages popularly known as blogs. Defendant further libeled plaintiff Freeman by e-mails sent to his colleagues at the University of St. Thomas and the College of St. Catherine. Plaintiffs seek damages for the injury to their reputations and further seek injunctive relief compelling defendant to cease publishing her defamatory statements by permanently deleting them from her blogs.

5. Concise statement of the case including facts defendant intends to prove and legal basis for defenses and counterclaim:

Defendant Swift reported the truth and exercised her First Amendment rights in expressing her opinions. Truth is absolute defense in defamation. The First Amendment protects statements of opinion against claims of defamation. It is the plaintiffs' burden to show that the defendant did not have "reasonable and proper grounds" for the allegedly defamatory statement. Language that is loose, figurative, hyperbole, metaphoric, or

tongue-in-cheek as to alert the reader that the statement is not intended to be taken seriously as truth is not defamation and is not actionable.

Defamation allows recovery for unfair damage to reputation; however, if true statements are made which damage a person's reputation, they cannot maintain a lawsuit. Defendant Swift told the truth. She expressed her opinions. She cannot be compelled to permanently delete defamatory statements from her blogs because there simply is no defamation.

Defendant seeks damages for the injury to her own reputation and further seeks relief for being targeted by plaintiffs in this frivolous harassment lawsuit brought forth because she sought to procure favorable government action to keep plaintiffs' juvenile sex offender treatment center out of her residential neighborhood. Defendant is innocent. She did not act with malice. Plaintiffs used the judicial system as a weapon; to persecute a private citizen in order to stop her from performing her civic duty. They attempted not only to "chill" but to quash her Freedom of Speech. Defendant seeks punitive damages.

6. List the names and addresses of witnesses known to either party that either party may call. Indicate the party who expects to call the witness and whether the party intends to qualify that witness as an expert.

<u>Party</u>	<u>Name/Address of Witnesses</u>	<u>Please Indicate if Expert Witness</u>
Plaintiffs	Peter Freeman, St. Paul, MN	No
	James D'Angelo, Golden Valley, MN	No
Defendant	Janette J. Swift, Mountain View, MO	Yes
	Curtiss A. Lukens, Mountain View, MO	
	Dr. Jaqueline M. Schmidt, Minneapolis, MN	
	Judy Aslesen	

7. Identify any party or witness who will require interpreter services, and describe the services (specifying language, and, if known, particular dialect) needed.

Not applicable.

8. In claims involving personal injury, attach a statement by each claimant, whether by complaint or counterclaim, setting forth a detailed description of claimed injuries and an itemized list of special damages as required by the rule. Indicate whether parties will exchange medical reports.

Plaintiffs intend to request damages for injury to their reputations. They claim no special damages.

Defendant intends to request damages for multiple injuries. See attached sheet.

9. In claims involving vehicle accidents, attach a statement describing the vehicles with information as to ownership and the name of insurance carriers, if any.

Not applicable.

MAHONEY, DOUGHERTY AND MAHONEY
Professional Association

Dated: _____
As to Plaintiffs' contributions

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As to defendant's contributions

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