

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

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

Court File No. _____

Judge: _____

Peter Freeman and
James D'Angelo,

Plaintiffs,

-vs-

SUMMONS

Janette J. Swift,

Defendant.

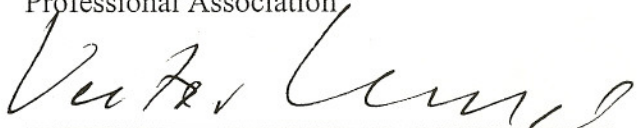
STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon the attorneys for the plaintiffs 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: November 6, 2007.

MAHONEY, DOUGHERTY AND MAHONEY
Professional Association



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Plaintiffs,

-vs-

COMPLAINT

Janette J. Swift,

Defendant.

Plaintiffs Peter Freeman and James D'Angelo, for their Complaint against defendant, state and allege as follows:

I.

Peter Freeman is an individual who lives in Ramsey County. He is employed as a professor at the University of St. Thomas and the College of St. Catherine in the Department of Social Work. He serves as a volunteer on the Board of Directors for Nexus, a Minnesota nonprofit corporation, with its corporate office in Hennepin County, and engaged in the residential treatment of juvenile sex offenders.

II.

James D'Angelo is an individual who lives in Hennepin County. He is the Chief Executive Officer of Nexus.

III.

Defendant Janette J. Swift lives in Bradbury Township near the City of Onamia in the County of Mille Lacs. She maintains several web pages, popularly known as blogs, known as *The Bradbury Buzzz* (<http://bradburybuzzzblogspot.com>) and the *Mille Lacs News* (<http://www.millelacsnews.com>).

IV.

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 facility/treatment center for juvenile sex offenders approximately two miles from its current location and approximately one-half mile from where defendant Janette J. Swift lives. 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.

V.

Defendant Janette J. Swift has appeared at many if not all of the public hearings 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 which are available for the entire world to see. She has now attempted to block Nexus and its attorneys from viewing her web sites.

VI.

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 Janette J. Swift.

VII.

On or about October 1, 2007, Janette J. Swift sent an e-mail to Barbara W. Shank, Peter Freeman's dean at the University of St. Thomas. A full copy of that e-mail is attached as Exhibit A. That e-mail states that Peter Freeman's work as a volunteer board member for Nexus is "unethical, immoral, and possibly even illegal behavior . . ." The e-mail further states that Peter Freeman is "like the fellow who – in between sips of coffee – pushes the button that launches the missile which destroys the village, then holds up his hands, saying, 'See? No blood on MY hands.'"

VIII.

On or about October 16, 2007, Janette J. Swift sent another e-mail to Barbara Shank, copied to twenty-four members of the faculties of the University of St. Thomas and the College of St. Catherine, reiterating her views in the previous e-mail and attaching a copy of that previous e-mail to all the faculty members. A copy of the second e-mail is attached as Exhibit B.

IX.

The contents of e-mails sent by Janette J. Swift to Peter Freeman's fellow faculty members at the University of St. Thomas and the College of St. Catherine are false, scurrilous and defamatory. They have caused Peter Freeman embarrassment and injured his reputation. The statements tend to lower Peter Freeman's co-workers' estimation of him. The statements tend to call into question his competence as a member of the Department of Social Work. The statements have caused monetary damages in an amount yet to be determined.

X.

Janette J. Swift, on her web page, *The Bradbury Buzzz*, on postings first made in July 2007 and still present on the web page, made numerous false and defamatory statements about James D'Angelo. The postings state that among other things, that D'Angelo is "egocentric," "arrogant," "a snake," "narcissistic," "cold blooded," "an insensitive numbskull," "without a clue," "missing a heart," "liar," and "lacking character." The posting further states that D'Angelo mismanaged his finances, is deeply in debt, that Nexus may have fired him, that he may be under investigation by the FBI, that he is running a crooked company, that his wife may have left him, that he engages in kinky sexual practices, that he may be on his way to jail for racketeering, and that he is a "silver-tongued devil who lies about tax abatement," and "a predator" who "preys on the elderly and infirmed."

XI.

On October 10, 2007 and October 30, 2007, one of the undersigned as counsel for Nexus, D'Angelo and Freeman, wrote to Janette J. Swift demanding that she retract all such statements and remove defamatory material from her web pages. To date, Janette J. Swift has not complied.

DEFAMATION – PETER FREEMAN

The above-referenced statements about Peter Freeman published by defendant Janette J. Swift to Peter Freeman's fellow faculty members at the University of St. Thomas and the College of St. Catherine are false and defamatory. The statements have injured Peter Freeman's reputation and caused other damages.

XII.

Peter Freeman is not a public figure by virtue of serving as a volunteer board member for Nexus.

DEFAMATION – JAMES D'ANGELO

The above-referenced statements about James D'Angelo by defendant Janette J. Swift appearing on her web pages, and thereby published to the world, are false and defamatory. The statements have injured his reputation and caused other damages.

XIII.

Even if James D'Angelo is a public figure, Janette J. Swift made the statements with malice and with reckless disregard for whether the statements were true or false.

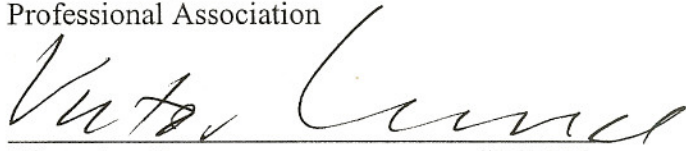
INJUNCTION

Plaintiffs will continue to suffer injury to their reputations and other irreparable harm if the court does not enjoin Janette J. Swift from repeating her false and defamatory statements and require her to remove such statements from her blogs.

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

Dated: November 7, 2007.

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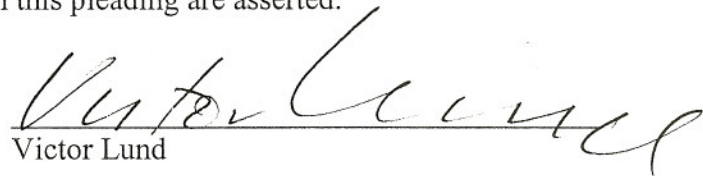
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ACKNOWLEDGMENT

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