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BlackSDA _ 3ABN _ 3ABN Lawsuit Speculation

Posted by: Bystander Feb 27 2007, 03:17 PM

QUOTE(erik @ Feb 27 2007, 02:04 PM)

Bystander,

You can do that by selling my idea of 12 Sdas jury to 3abn and danny

erik

Truthfully, Erik, I hope they do something similar to what you are saying as far as the church goes. That will not stop what goes forward in a court of law. Everyone thinks because papers have not been served legally or because the evidence LS requests has not "popped" up, that nothing is happening. There are many on here that claim to be "educated" yet doesn't have the sense to know that the wheels of justice turn slowly, but they do turn. When everything is in order, then we will see what we will see.

Also, Erik, to address what you were saying about counter suing and all that: If 3abn brings a suit against slanderous statements that are false, that is what the suit is about, period. 3abn might or might not have to prove that the said allegations are false for it to be considered slander. I don't know the legal rules as far as slander goes. If proof must be shown that the allegations are false, obviously they have no problem with that, or, they wouldn't be doing it.

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Now if 3abn doesn't have to prove the allegations are false and only have to show where said allegations have hurt the ministry and the people that run that ministry, then it ends a lot sooner and princess is still held to the same accountability. Either way, she is found liable . The only way she would be found innocent was if she could prove that she didn't make those statements, (as in someone made them under her name) or if she could prove that her statements in no way, hurt anyone or hurt the ministry. That would be pretty much impossible.

Now she talks about getting money from 3abn. For what? If she countersued what grounds would she counter on? If proven in court that she made slanderous statements that directly contributed to some kind of loss to the ministry and the individuals involved and was found guilty of such, what is she going to counter sue on? She wouldn't have a leg to stand on. Even if she tried she would be responsible for all of her own legal fees over the period of time that the suit took place and in the end, she would have no grounds to stand on anyway. Instead of getting money awarded, she would

be out thousands and thousands of dollars for a suit that had no basis. (I am sure it would never go that far, because a legit attorney would know this from the get go an refuse to take a losing case.)As observer always points out, I am certainly am not a legal expert, but am giving my opinion based on my understanding of this situation.

Another point I wanted to make to you is a suit for slander is a suit for slander. You are not allowed to bring in all kinds of other things. If a person is charged with murder, evidence of a possible robbery that he may have done that has absolutely no bearing on the murder trial, cannot be brought up. that would be a separate case altogether.

Another important thing to think about is, that whoever is charged with slander and served papers, will not only have to pay their own transportation fees to whatever state or city, they will have to pay an attorney to defend them unless they want to be their own defense. Many attorneys, now days, charge 500.00 an hour. In my opinion, there is no way I would want to involve myself and others in something so serious just to be able to "air" my opinions in a chat room. It is one thing to say He might have, or she may have it is quite another to refer to specific individuals as Pedophiles, embezzlers, child molesters, adulterers, liars ...that is where it gets serious, especially, if you are wrong and making these judgments and statements on the heresay of others and can be proven that what you are involved in has caused harm to the organization and public figures involved.

As far as your suggestion where the church is concerned, I would like to see something like that happen, and it might, in time. I think though that the panel should consists of 4 or 5 well known and well respected individuals in the denomination. If there is evidence against LS it could be presented and then a public statement could be made as to the panels conclusions. It is my understanding that LS had a chance to do this with the 3abn board and did not.

Regardless of what is done, it all takes time and organization. It is ridiculous to think because 3abn hasn't responded to a demand from LS a week ago, that they have nothing or will not do nothing. A week is nothing, just like in the legal system. Many times trials take years to get through.

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Hope this gives you a better understanding Erik. Again it is just my understanding of the situation. I certainly don't know all that the law demands on this subject.

QUOTE(LaurenceD @ Feb 27 2007, 02:49 PM) □

I think I'd rather not know who this character Bystander admittedly is. I would hate to think he is who he appears to be. This character likes to leave people to guess. By contrast, Christ didn't. And, that speaks as much for itself as does, "by their fruits shall ye know them."

Until you apply your statement about Christ to the others on this board who say they have first hand evidence, you only show your partiality to that side. Have you applied your statement to sister who has given a large percentage of the information that has been posted. Certainly down through the months, everyone else has carried on with it but we are talking origination. Sonshineonme and watchbird also speak (by their own admission) for Linda. Have you applied your statement to them also?

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Posted by: erik Feb 27 2007, 03:31 PM

QUOTE(Bystander @ Feb 27 2007, 01:10 PM) □

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bystander,

Thank you for your thoughtful post, my reason for picking 12 common sda is because it would remove any charge of favoritism from the hearing of proof.

Slander is a tough thing to prove, because you have to prove that the person making the charge knew it was false and was trying to hurt the person(entity) being slandered.

Some on here you could maybe make that stick but others it would be much harder to prove.

The lawyers we live need to move to where you live because they are not making 500.00 any hour.

mean lets take Johann for example to prove his posts have been slanderous one would need to be able to prove his personal experiences here in fact figments of his imagination.

Or lets take daune and the others that have written letters about tommy, for someone to prove slander they are going to have to prove that tommy and the guys and boys did in fact not have anything happen between them, that is going to a tall order considering that in tommy's and carols letters that failed to flat out deny the charges against tommy,.

Now lets get to your example of a poster on the forum you takes filters information and then states opinion, if we are basing our comments on the first hand testimony of others then slander becomes a tough sell has i read the law in my state.

The other thing is you are going to have to prove that exact dollar amount of damage done, by one person and could be very tough in itself, most certainly anyone posting on the Blacksda site because you have pointed out to us that we are not the attacks that were discussed the other night.

I would hope for the sake of truth that 3abn would do a better job getting the truth about all of this out then a court case that will take years.

Again i go back to the 12 person jury instead of the church, made of common sda so that no charge of favoritism or cronism can be leveled. then if people are still going after 3abn drag their sorry buttons to court.

Erik

Posted by: Richard Sherwin Feb 27 2007, 03:34 PM

So Bystander if I'm hearing you correctly it's more important to protect 3abn from harm by showing their statements hurt the ministry than to prove that someone said something that was a lie? (See bold)

QUOTE(Bystander @ Feb 27 2007, 04:17 PM) □

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Posted by: LaurenceD Feb 27 2007, 03:38 PM

QUOTE(Bystander)

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realize you'd like to quickly shift attention to another card, but your card is on the table right now. focus.

As for your knowlegdge of internet liable, slander, and defamation, I'd suggest you take your case to udgeJudy.com. You may want to consider new counsel also. There's several dozens of things you haven't thought of yet.

Posted by: Observer Feb 27 2007, 04:47 PM

QUOTE(Bystander @ Feb 27 2007, 02:17 PM)

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Bystander has posted a mixture of information. Some of it is true. However, it appears to me to be somewhat deficient in application, as well as in legal knowledge. That is evident in what appears to be a failure to recognize the legal difference between slander and libel. The three legal issues in the above post are slander, libel, and defamation of character.

Bystander is correct that the wheels of justice revolve very slowly at times. The fact that various people have not been served, or litigation filed, does not mean that it will not be filed.

Litigation is only about the litigated issue. A trademark case may (?) depending on various issues, not be about any of the content, but only the use of a trademark. If a libel case is filed over a statement that X robbed a bank, the court will not consider a statement that X filed a false income tax return.

However, my personal prediction, and speaking as a person without legal training, is that attorneys for the plaintiff will attempt to keep the case very narrow, and attorneys for the defendant will seek to expand it. Folks, that can happen. It can happen due to testimony admitted into court. It can happen due to errors by an attorney. It can happen. I do not predict how such litigation will develop. No one else can predict such with 100 per-cent reliability.

There is another factor that Bystander did not consider. Those who believe that litigation may soon begin, are making plans to defend those who are served papers. It remains to be seen what will happen. I can not predict how the defense will develop. But, I can say to Bystander that it may develop in ways that he did not mention in his post. Only time will tell.

Posted by: Richard Sherwin Feb 27 2007, 05:15 PM

The ONLY reason for Sabn and Danny taking anyone to court is so that their lawyers can speak for them on their terms in a tightly controlled venue. If they really wanted the truth to be known they could just state it on here or on their web site. If Danny really wanted the truth to get out there would not be any need for the courts. They are just so sad and pitiful. It's all about the money IMO.

Richard

Posted by: LaurenceD Feb 27 2007, 05:50 PM

The court system is already plugged with frivolous law suits. Judges throw them out, typically, and tell the disturbed parties to settle their differences on the street where they belong. Bystander seems fairly street-smart.

I still think this one would do well on Judge Judy's TV show.

Posted by: princessdi Feb 27 2007, 06:05 PM



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Posted by: Richard Sherwin Feb 27 2007, 06:31 PM

I think we would know the truth because of what you stated. There are many who have not come forward. They could vouch for Danny if he were to tell the truth. But also there are many on here, like Johann who were there during much of what was supposed to have taken place. And then there are those like HOTY and Sister who can verify certain facts I believe.

My fear is that the only reason Danny would take anyone to court would be because his high priced lawyers feel they could control the proceeding so that the outcome would be weighed in their favor.

I believe in the power of prayer, and the Holy Spirit in changing hearts and lives. Danny's heart can be reached, if he will let God do it.

Richard

QUOTE(sonshineonme @ Feb 27 2007, 06:39 PM)

At this point, would you really know if or what is truth if it came from DS? I'm not sure he knows how to tell the straight truth. He mixes a little truth with a lot of error. I think the court room is the only place for the real truth to come out now. AND, many who have come together here to tell their stories. What DS doesn't realize (or maybe he does) is there are MANY who are here...not all have spoken yet. What has worked and still works here is how many tellings of experiences from those that have shared so far here fit together so well without anyone forcing it. It just comes together, because truth is what it is - truth. You can't just change truth as some have tried. It is what it is.

Posted by: sonshineonme Feb 27 2007, 06:43 PM

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Richard

You are correct on all points Richard.

There are many here besides Johann and Sister....many. Some have spoken and some have not. Some you are not aware of their connection and they could make it known, and may.

Yes, Danny may be willing to go to court if he feels he could win (obviously that is the only reason he would go), but like Observer has said, that outcome is still very unpredictable, and no matter what, it will be out in the public forum, regardless of a court proceeding.

As for the power of prayer, I believe in it very much myself. You are correct, Danny's heart can change. Lets hope that's what happens. And I would say if that does happen, there will be NO DOUBT about it to all that have been trampled on as well as the general sda public. It will take more than mere words for it to be evident. The fruit of that conversion will be actions.

Posted by: Richard Sherwin Feb 27 2007, 07:30 PM

Why would a court proceeding be out of the public forum, or did I misunderstand you? I thought all court proceedings are public. (Although I've been a jury member and foreman a couple times I still don't know that much about them since I've never watched Law and Order Or any other prime time shows for that matter)

QUOTE(sonshineonme @ Feb 27 2007, 07:43 PM)

You are correct on all points Richard.

There are many here besides Johann and Sister....many. Some have spoken and some have not. Some you are not aware of their connection and they could make it known, and may.

Yes, Danny may be willing to go to court if he feels he could win (obviously that is the only reason he would go), but like Observer has said, that outcome is still very unpredictable, and no matter what, it will be out in the public forum, regardless of a court proceeding.

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Posted by: PrincessDrRe Feb 27 2007, 09:24 PM

QUOTE(Bystander @ Feb 27 2007, 05:17 PM)

.....Now, let's use princess Dr Re since she gave a rousing speech that "she wouldn't play" and she

would end up with money for her education and so on....We shall use her in a hypothetical situation. If she was served with papers from 3abn for making slanderous statements, she would be required to come to court, wherever that might be....It could be very likely that it wouldn't be in her state, so she would have to pay her own expenses for travel...Once there, the 3abn attorneys would put her on a witness stand and would show her, what, if any, allegations and/or slanderous and liable remarks that she had made during the course of however many months that she had been making them. Now, she would have to admit making them (after all they would have been taking them right off of her posts), so, If 3abn has to prove the accusations are false, that action would take place next. They would have to go down the list of slanderous statements that princess made, one at a time, and show proof that the allegations were false. If they can prove the statements are lies, then princess is held accountable legally, and financially for her part in hurting a ministry and the reputations of those involved.

Now if 3abn doesn't have to prove the allegations are false and only have to show where said allegations have hurt the ministry and the people that run that ministry, then it ends a lot sooner and princess is still held to the same accountability. Either way, she is found liable . The only way she would be found innocent was if she could prove that she didn't make those statements, (as in someone made them under her name) or if she could prove that her statements in no way, hurt anyone or hurt the ministry. That would be pretty much impossible.

Now she talks about getting money from 3abn. For what? If she countersued what grounds would she counter on? If proven in court that she made slanderous statements that directly contributed to some kind of loss to the ministry and the individuals involved and was found guilty of such, what is she going to counter sue on? She wouldn't have a leg to stand on. Even if she tried she would be responsible for all of her own legal fees over the period of time that the suit took place and in the end, she would have no grounds to stand on anyway. Instead of getting money awarded, she would be out thousands and thousands of dollars for a suit that had no basis. (I am sure it would never go that far, because a legit attorney would know this from the get go an refuse to take a losing case.)

As observer always points out, I am certainly am not a legal expert, but am giving my opinion based on my understanding of this situation.

Thank you for using me as an "example" demonic force of Satan. Satan the LORD rebuke you in the name of JESUS.

Now.

Try me.

would counter-sue on the fact that it is a "fluff" lawsuit - used as a means of manipulation or shutting up folks" if you will. The fact remains that I am speaking about actions, statements, and deeds that are being investigated, have been investigated...and lastly..... **The man himself (Tommy Shelton) will not deny per his own letters/writings and out his own mouth!!! Even that of his wife!!!** Since the lawyers that I will have to hire for this "impending" slander suit will have all of their evidence in discovery and can call whom they want as witnesses per the witness list - I will call Tommy Shelton himself. Once he confirms that he did write letters that ask for "forgiveness" for his acts that will be the end of the trial.....

Now.

Try me.

Set a lawsuit going. **Do it.** Again.... you really don't want to see how the LORD handles those that mess" with his children. I am a child of the LORD...and the LORD never "threatened" folks. He told them what would happen and he followed through unless they changed their ways.....

Satan the LORD rebuke you in the name of JESUS. I do not fear you or your trumpeted up threats of lawsuit. GOD and his son JESUS will prevail.



BTW: I got airline miles up the wazoo...so my travel will be free.... and I have three attorneys' in my home conference, know one up here that would have no problem representing me Pro Bono, and finally.....

the LORD will rebuke Satan. In the end his child will have victory. If you play with a child of the LORD you will fail.

Posted by: Lee Feb 28 2007, 12:16 AM

Bystander is not a "demonic force of Satan," nor is he Satan.

Please be careful with name calling PDR, I believe the rules of this forum do not allow people to stoop to name-calling.

Thank you.

Posted by: LaurenceD Feb 28 2007, 12:29 AM

1 Corinthians 6:1 Dare any of you, having a matter against another, go to law before the unjust, and not before the saints? 2Do ye not know that the saints shall judge the world? and if the world shall be judged by you, are ye unworthy to judge the smallest matters? 3Know ye not that we shall judge angels? how much more things that pertain to this life? 4If then ye have judgments of things pertaining to this life, set them to judge who are least esteemed in the church. 5I speak to your shame. Is it so, that there is not a wise man among you? no, not one that shall be able to judge between his brethren? 6But brother goeth to law with brother, and that before the unbelievers. 7Now therefore there is utterly a fault among you, because ye go to law one with another. Why do ye not rather take wrong? why do ye not rather suffer yourselves to be defrauded? 8Nay, ye do wrong, and defraud, and that your brethren.

Matthew 5:40 And if any man will sue thee at the law, and take away thy coat, let him have thy cloak also.

If you're not of God, unfortunately, there's only one choice left.

Posted by: Johann Feb 28 2007, 04:35 AM

QUOTE(PrincessDrRe @ Feb 28 2007, 05:24 AM) □

Thank you for using me as an "example" demonic force of Satan. Satan the LORD rebuke you in the name of JESUS.

Now.

Try me.

I would counter-sue on the fact that it is a "fluff" lawsuit - used as a means of mainpulation or

"shutting up folks" if you will. The fact remains that I am speaking about actions, statements, and ideas that are being investigated, have been investigated...and lastly..... **[size]The man himself (Tommy Shelton) will not deny per his own letters/writings and out his own mouth!!! Even that of his wife!!![/size]** Since the lawyers that I will have to hire for this "impending" slander suit will have all of their evidence in discovery and can call whom they want as witnesses per the witness list - I will call Tommy Shelton himself. Once he confirms that he did write letters that ask for "forgiveness" for his acts that will be the end of the trial.....

Now.

Try me.

Get a lawsuit going. **Do it.** Again.... you really don't want to see how the LORD handles those that "mess" with his children. I am a child of the LORD....and the LORD never "threatened" folks. He told them what would happen and he followed through unless they changed their ways.....

Satan the LORD rebuke you in the name of JESUS. I do not fear you or your trumped up threats of lawsuit. GOD and his son JESUS will prevail.



BTW: I got airline miles up the wazoo...so my travel will be free.... and I have three attorneys' in my home conference, know one up here that would have no problem representing me Pro Bono, and finally.....

the LORD will rebuke Satan. In the end his child will have victory. If you play with a child of the LORD you will fail.

get the impression that a number of good lawyers are reading, even studying, this thread, even indicating willingness to come to the aid of those attacked by the dannyscribes, if needed.

QUOTE(Lee @ Feb 28 2007, 08:16 AM)

Bystander is not a "demonic force of Satan," nor is he Satan.

Please be careful with name calling PDR, I believe the rules of this forum do not allow people to stoop to name-calling.

Thank you.

ee, you really must forgive Re for judging by appearance. This is, after all, a general human weakness.

Posted by: awesumtenor Feb 28 2007, 07:55 AM

QUOTE(Lee @ Feb 28 2007, 01:16 AM)

Bystander is not a "demonic force of Satan," nor is he Satan.

Please be careful with name calling PDR, I believe the rules of this forum do not allow people to stoop to name-calling.

Thank you.

oh 8:44 Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. **When he speaketh a lie, he speaketh of his own: for he is a liar, and the father of it.**

Seeing that bystander came in here lying and continues to deal in obfuscation and patent untruth, she's not far off... your not liking it notwithstanding.

In His service,
Mr. J

Posted by: Lee Feb 28 2007, 08:34 AM

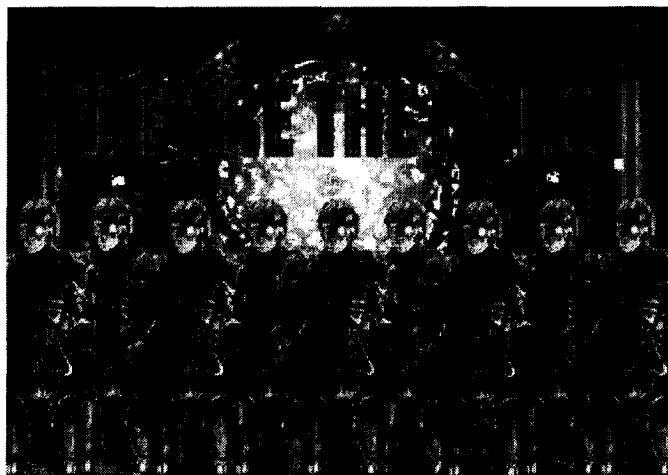
BYSTANDER DID NOT COME HERE LYING! CALVIN EVEN TOLD YOU THIS MR J. Better read a few posts back and refresh your memory!!!
You should be banned for repeating this LIE again.

Posted by: Clay Feb 28 2007, 08:46 AM

QUOTE(Lee @ Feb 28 2007, 08:34 AM) □

BYSTANDER DID NOT COME HERE LYING! CALVIN EVEN TOLD YOU THIS MR J. Better read a few posts back and refresh your memory!!!
You should be banned for repeating this LIE again.

Yeah he did.... but you are so busy repeating the party line that you can't see the lies that have been told..... that's fine though, the attitude you exhibit is one that would make you are a valuable part of the collective....



Posted by: SoulEspresso Feb 28 2007, 10:04 AM

QUOTE(Lee @ Feb 28 2007, 08:34 AM) □

BYSTANDER DID NOT COME HERE LYING! CALVIN EVEN TOLD YOU THIS MR J. Better read a few posts back and refresh your memory!!!
You should be banned for repeating this LIE again.

*"A man [or woman] convinced against his [her] will
is of the same opinion still ..."*

Posted by: awesumtenor Feb 28 2007, 10:10 AM

QUOTE(Lee @ Feb 28 2007, 09:34 AM) □

BYSTANDER DID NOT COME HERE LYING! CALVIN EVEN TOLD YOU THIS MR J. Better read a few posts back and refresh your memory!!!
You should be banned for repeating this LIE again.

I'm not your child... or your husband... so you need to dial back your tone.

Bystander came in here lying, pretending to not know wwd when they were using the same computer. He has not stopped putting forth canards since... and a cursory examination of the things he's posted shows myriad patent inconsistencies.

There have been posts which have detailed some of them; use your search function.

But the fact remains... he has been a prevaricator since he walked in the door.

In His service,
Mr. J

Posted by: Lee Feb 28 2007, 12:50 PM

Why is 3ABN going to court? God works on principles of truth and honesty. He doesn't use some of the tactics I've seen on this forum and on other forums and web sites.

Even if truth is put on BSDA and anywhere else, 3ABN's opponents will still call it lies and get away with it and sway all kinds of people to their way of thinking who do not know exactly what happened. They are like sheep. SO--that is why only a court of law can help determine truth because people are under oath--and if they commit perjury, there is a price to pay. People have asked why it has to go to court--that's why.

Posted by: PeacefullyBewildered Feb 28 2007, 01:12 PM

QUOTE(Lee @ Feb 28 2007, 11:50 AM)

Why is 3ABN going to court? God works on principles of truth and honesty. He doesn't use some of the tactics I've seen on this forum and on other forums and web sites.

Even if truth is put on BSDA and anywhere else, 3ABN's opponents will still call it lies and get away with it and sway all kinds of people to their way of thinking who do not know exactly what happened. They are like sheep. SO--that is why only a court of law can help determine truth because people are under oath--**and if they commit perjury, there is a price to pay.** People have asked why it has to go to court--that's why.

Do you know the truth, Lee? The truth about the allegations against Tommy Shelton? The truth about the allegations against Danny Shelton - of covering up his brother's damaging behavior, intimidating alleged victims of Tommy Shelton and of making improper and unwanted advances on his step-daughter?

Please tell us the truth, Lee, if you know it. I'm willing to listen. Just remember, if you lie or bear false witness, there is a greater price to pay than what a perjurer in a court of law would be assessed.

PB

Posted by: Johann Feb 28 2007, 02:14 PM

QUOTE(Lee @ Feb 28 2007, 08:50 PM)

Why is 3ABN going to court? God works on principles of truth and honesty. He doesn't use some of the tactics I've seen on this forum and on other forums and web sites.

Even if truth is put on BSDA and anywhere else, 3ABN's opponents will still call it lies and get away with it and sway all kinds of people to their way of thinking who do not know exactly what happened. They are like sheep. SO--that is why only a court of law can help determine truth because people are under oath--**and if they commit perjury, there is a price to pay.** People have asked why it has to go to court--that's why.

Lee, if I have to witness in court I have to tell the truth, and therefore I will not be able to say anything else than what I have said here on BSDA. God is my witness, even if I'd have to pay a price because someone else claims I am lying. As a Christian I cannot be a false witness.

So, if you happen to be a child of God, and you think I have said anything that is not true, it is your responsibility to let me know what you think is not true.

Posted by: sonshineonme Feb 28 2007, 07:00 PM

Here are the pertinent FRCP that will probably cause acidosis to anyone at 3ABN who believe they can file an action that can limit proceedings to a narrow question or that they can limit it to select parties They file and defendants can go for the gusto!

Anyone else want to join in the counterclaims? That would include those allegedly slandered, libeled and defamed, those allegedly wrongfully terminated, those allegedly inappropriately

abused on the premises of 3ABN or its affiliates, those allegedly inappropriately harassed on the premises of 3ABN or its affiliates, those alleged whistleblowers wrongfully retaliated against, those whose civil rights have allegedly been denied or limited, any alleged victim of a misuse of process, those who allegedly have been illegally recorded, those who have been allegedly threatened or maligned, those who have been allegedly defrauded or suffered from detrimental reliance in any form. We could go on but we need to keep a few alleged surprises.

In any event, let the Federal Rules of Civil Procedure dispel misconceptions and replace it with the horrifying factual truth and remember: The right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States shall be preserved to the parties inviolate.

Federal Rules of Civil Procedure

http://www.law.cornell.edu/rules/frcp/index.html#chapter_ii

A civil action is commenced by filing a complaint with the court.

Rule 7. Pleadings Allowed; Form of Motions

(A) Pleadings.

There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of <http://www.law.cornell.edu/rules/frcp/Rule14.htm> ; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Rule 8. General Rules of Pleading

A. Claims for Relief.

A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded.

B. Defenses; Form of Denials.

A party shall state in short and plain terms the party's defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the preceding pleading, the pleader may make denials as specific denials of designated averments or paragraphs, or may generally deny all the averments except such designated averments or paragraphs as the pleader expressly admits; but, when the pleader does so intend to controvert all its averments, including

averments of the grounds upon which the court's jurisdiction depends, the pleader may do so by general denial subject to the obligations set forth in <http://www.law.cornell.edu/rules/frcp/Rule11.htm>.

C. Affirmative Defenses.

In pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court on terms, if justice so requires, shall treat the pleading as if there had been a proper designation.

Rule 12. Defenses and Objections--When and How Presented--By Pleading or Motion--Motion for Judgment on the PleadingsA. When Presented.

1. Unless a different time is prescribed in a statute of the United States, a defendant shall serve an answer

A. within 20 days after being served with the summons and complaint, or

B. if service of the summons has been timely waived on request under Rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States.

2. A party served with a pleading stating a cross-claim against that party shall serve an answer thereto within 20 days after being served. The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer, or, if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs.

Rule 13. Counterclaim and Cross-Claim

A. Compulsory Counterclaims.

A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if -1- at the time the action was commenced the claim was the subject of another pending action, or -2- the opposing party brought suit upon the claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this Rule 13.

B. Permissive Counterclaims.

A pleading may state as a counterclaim any claim against an opposing party not arising out of the transaction or occurrence that is the subject matter of the opposing party's claim.

C. Counterclaim Exceeding Opposing Claim.

A counterclaim may or may not diminish or defeat the recovery sought by the opposing party. It may claim relief exceeding in amount or different in kind from that sought in the pleading of the opposing party.

D. Counterclaim Against the United States.

These rules shall not be construed to enlarge beyond the limits now fixed by law the right to assert counterclaims or to claim credits against the United States or an officer or agency thereof.

E. Counterclaim Maturing or Acquired After Pleading.

A claim which either matured or was acquired by the pleader after serving a pleading may, with the permission of the court, be presented as a counterclaim by supplemental pleading.

F. Omitted Counterclaim.

When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect, or when justice requires, the pleader may by leave of court set up the counterclaim by amendment.

G. Cross-Claim Against Co-Party.

A pleading may state as a cross-claim any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim therein or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant.

H. Joinder of Additional Parties

Persons other than those made parties to the original action may be made parties to a counterclaim or cross-claim in accordance with the provisions of <http://www.law.cornell.edu/rules/frcp/Rule19.htm> and <http://www.law.cornell.edu/rules/frcp/Rule20.htm>.

I. Separate Trials; Separate Judgments.

If the court orders separate trials as provided in Rule 42-B, judgment on a counterclaim or cross-claim may be rendered in accordance with the terms of http://www.law.cornell.edu/rules/frcp/Rule54.htm#Rule54_b_ when the court has jurisdiction so to do, even if the claims of the opposing party have been dismissed or otherwise disposed of.

Rule 14. Third-Party Practice

A. When Defendant May Bring in Third Party.

At any time after commencement of the action a defending party, as a third-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to the third-party plaintiff for all or part of the plaintiff's claim against the third-party plaintiff. The third-party plaintiff need not obtain leave to make the service if the third-party plaintiff files the third-party complaint not later than 10 days after serving the original answer. Otherwise the third-party plaintiff must obtain leave on motion upon notice to all parties to the action. The person served with the summons and third-party complaint, hereinafter called the third-party defendant, shall make any defenses to the third-party plaintiff's claim as provided in Rule 12 and any counterclaims against the third-party plaintiff and cross-claims against other third-party defendants as provided in <http://www.law.cornell.edu/rules/frcp/Rule13.htm>. The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and

the third-party defendant thereupon shall assert any defenses as provided in <http://www.law.cornell.edu/rules/frcp/Rule12.htm> and any counterclaims and cross-claims as provided in Rule 13. Any party may move to strike the t -party claim, or for its severance or separate trial. A third-party defendant may proceed under this rule against any person not a party to the action who is or may be liable to the third-party defendant for all or part of the claim made in the action against the third-party defendant. The third-party complaint, if within the admiralty and maritime jurisdiction, may be in rem against a vessel, cargo, or other property subject to admiralty or maritime process in rem, in which case references in this rule to the summons include the warrant of arrest, and references to the third-party plaintiff or defendant include, where appropriate, a person who asserts a right under Supplemental Rule C-6 B-i in the property arrested.

Rule 22. Interpleader

1. Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that the plaintiff is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of cross-claim or counterclaim. The provisions of this rule supplement and do not in any way limit the joinder of parties permitted in Rule 20.

Rule 26. General Provisions Governing Discovery; Duty of Disclosure

A. Required Disclosures; Methods to Discover Additional Matter.

1. In General.

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action. Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.

Rule 30. Deposition Upon Oral Examination

A. When Depositions May Be Taken; When Leave Required.

1. A party may take the testimony of any person, including a party, by deposition upon oral examination without leave of court except as provided in paragraph (2). The attendance of witnesses may be compelled by subpoena as provided in <http://www.law.cornell.edu/rules/frcp/Rule45.htm>.

Rule 33. Interrogatories to Parties

A. Availability.

Without leave of court or written stipulation, any party may serve upon any other party written interrogatories, not exceeding 25 in number including all discrete subparts, to be answered by the party served or, if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information

as is available to the party. Leave to serve additional interrogatories shall be granted to the extent consistent with the principles of http://www.law.cornell.edu/rules/frcp/Rule26.htm#Rule26_b_. Without leave of court or written stipulation, interrogatories may not be served before the time specified in [Rule http://www.law.cornell.edu/rules/frcp/Rule26.htm#Rule26_d_](http://www.law.cornell.edu/rules/frcp/Rule26.htm#Rule26_d_).

Rule 34. Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes

A. Scope.

Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on the requestor's behalf, to inspect, copy, test, or sample any designated documents or electronically stored information - including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained - translated, if necessary, by the respondent into reasonably usable form, or to inspect, copy, test, or sample any designated tangible things which constitute or contain matters within the scope of Rule 26-B and which are in the possession, custody or control of the party upon whom the request is served; or 2- to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 26-B.

Rule 36. Requests for Admission

A. Request for Admission.

A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule http://www.law.cornell.edu/rules/frcp/Rule26.htm#Rule26_b_, 1, set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Without leave of court or written stipulation, requests for admission may not be served before the time specified in http://www.law.cornell.edu/rules/frcp/Rule26.htm#Rule26_d_.

Rule 37. Failure to Make or Cooperate in Discovery; Sanctions

A. Motion for Order Compelling Disclosure or Discovery.

A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling disclosure or discovery as follows:

Rule 38. Jury Trial of Right

A. Right Preserved.

The right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States shall be preserved to the parties inviolate.

Posted by: Bystander Feb 28 2007, 07:24 PM

QUOTE(Lee @ Feb 28 2007, 12:16 AM)

Bystander is not a "demonic force of Satan," nor is he Satan.

Please be careful with name calling PDR, I believe the rules of this forum do not allow people to stoop to name-calling.

Thank you.

Lee, in your opinion, would you think that being called "a demon of satan" or "satan himself" would be a liable remark or a slanderous remark? I get confused.

Posted by: sister Feb 28 2007, 07:39 PM

QUOTE(Bystander @ Feb 28 2007, 08:24 PM)

Lee, in your opinion, would you think that being called "a demon of satan" or "satan himself" would be a liable remark or a slanderous remark? I get confused.

Interesting question, Bystander, since it is the same type of remarks that Danny Shelton made toward the Doctor and Johann. Confusion or stupidity? We both know how much Danny hates being called STUPID, right?

Clay, what was that quote from Mama Gump? Was it, "Stupid is, as stupid does."? I know it was something about stupid.

Sister

Posted by: Bystander Feb 28 2007, 08:11 PM

QUOTE(sonshineonme @ Feb 28 2007, 07:00 PM)

Here are the pertinent FRCP that will probably cause acidosis to anyone at 3ABN who believe they can file an action that can limit proceedings to a narrow question or that they can limit it to select parties They file and defendants can go for the gusto!

Thanks so much for letting 3abn know that information. I am sure their attorneys never thought of that.

Posted by: John S Feb 28 2007, 08:24 PM

QUOTE(erik @ Feb 27 2007, 03:31 PM)

bystander,

Thank you for your thoughtful post, my reason for picking 12 common sda is because it would remove any charge of favorism form the hearing of proof.

Slander is a tough thing to prove, because you have to prove the that the person making the charge know it was false and was trying to hurt the person(entity) being slandered.

Some on here you could maybe make that stick but others it would be much harder to prove.

the lawyers were live need to move to were you live because they are not making 500.00 any hour.

I mean lets take Johann for example to prove his posts have been slanderous one would need to able to prove his personal experiences here in fact figments of his imagination.

Or lets take daune and the others that have written letters about tommy, for someone to prove slander they are going to have to prove that tommy and the guys and boys did in fact not have anything happen between them, that is going to a tall order considering that in tommy's and carols letters that failed to flat out deny the charges against tommy,.

now lets get to your example of a poster on the forum you takes filters information and then states option, if we are basing our comments on the first hand testominy of others then slander becomes a tough sell has i read the law in my state.

The other thing is you are going to have to prove that exact dollar amount of damage done, by one person and could be very tough in itself, most certainly anyone posting on the Blacksda site because you have pointed out to us that we are not the attacks that were discussed the other night.

I would hope for the sake of truth that 3abn would do a better job getting the truth about all of this out then a court case that will take years.

Again i go back to the 12 person jury instead of the church, made of common sda so that no charge of favorism or cronism can be leveled. then if people are still going after 3abn drag their sorry buttons to court.

Erik

Someone needs to let Bystander know he needs to get a lawyer who knows the law. Anything can be discussed if one is sued. Just try it Bystander and see your whole life exposed to the whole world - all the sexual allegations will be fair game, all the financial allegations will be fair game, anyone who has been dismissed without good reason and has been damaged will be there to participate in it. Where do you find lawyers that are that ignorant of the law? John S

Posted by: sonshineonme Feb 28 2007, 08:27 PM

QUOTE(Bystander @ Feb 28 2007, 06:11 PM)

Thanks so much for letting 3abn know that information. I am sure their attorneys never thought of that.

Sure thing! I am here to help! And I had you especially in mind!

Posted by: Richard Sherwin Feb 28 2007, 08:33 PM

Ah, but maybe Danny's lawyers know the law very well and are assuming that others do not, and so will fall for their bluff. Cat and mouse? Or David and Goliath? Lots of words but all it takes is one small stone....or a Pickle? (yes my jokes are the worse, sorry already)

QUOTE(John S @ Feb 28 2007, 09:24 PM)

Someone needs to let Bystander know he needs to get a lawyer who knows the law. Anything can be discussed if one is sued. Just try it Bystander and see your whole life exposed to the whole world - all the sexual allegations will be fair game, all the financial allegations will be fair game, anyone who has been dismissed without good reason and has been damaged will be there to participate in it. Where do you find lawyers that are that ignorant of the law? John S

Posted by: PrincessDrRe Feb 28 2007, 08:57 PM

QUOTE(Lee @ Feb 28 2007, 02:16 AM)

Bystander is not a "demonic force of Satan," nor is he Satan.

Please be careful with name calling PDR, I believe the rules of this forum do not allow people to stoop to name-calling.

Thank you.

QUOTE(Bystander @ Feb 28 2007, 09:24 PM)

Lee, in your opinion, would you think that being called "a demon of satan" or "satan himself" would be a liable remark or a slanderous remark? I get confused.

<http://dictionary.reference.com/browse/demonic><<<---Click Here!!!

le·mon·ic /dɒmɒnɪk/

ˈrɒnʊnɪeɪʃən Key - [di-mon-ik]

-adjective 1. inspired as if by a demon, indwelling spirit, or genius.

2. demoniac (def. 1).

Also, daemonic, de·mon·i·cal.

Origin: 1655-65; < LL daemonicus < Gk daimonikós, equiv. to daimon- demon- + -ikos -ic]

A "demonic" genius no less....



<http://www.m-w.com/dictionary/demonic><<<---Click Here!!!

Main Entry: de·mon·ic

Pronunciation: di-'mä-nik, dE-

Variant(s): also de·mon·i·cal /-ni-k&l/

Function: adjective

: of, relating to, or suggestive of a demon : FIENDISH <demonic cruelty> <demonic laughter>

- de·mon·i·cal·ly /-ni-k(&-)lE/ adverb

Demonic forces of Satan be rebuked in the name of JESUS.

JESUS called people "foxes" because they had the characteristics of a fox. Sly, cunning, and sneaky.....

Be rebuked in the name of JESUS and the LORD...demonic forces of Satan....

Only a demonic force of Satan would try to make an adult responsible for their sexual abuse/assault as a child.....



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