

FILED

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

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CIVIL DISTRICT COURT

No.: 13-05029

Division: I - 14

DANIEL ABEL

versus
DOUGLAS K. HANDSHOE, ET AL

PARTY TO BE SERVED: PLAINTIFF, DANIEL ABEL, ESQ.

THROUGH: _____

ADDRESS: 2421 Clearview Parkway

SUITE/ROOM: Legal Department-Suite 106

CITY: Metairie, Jefferson Parish, Louisiana 70001

SPECIAL SERVICE INSTRUCTIONS: _____

DOCUMENT TYPE: ARTICLE 971 SPECIAL MOTION TO STRIKE

FILED BY ATTORNEY: _____ BAR NO. _____

DATE OF FILING: _____

ATTACHMENTS/EXHIBITS: MEMORANDUM AND RULE TO SHOW CAUSE

RETURN FOR PERSONAL SERVICE

On the ____ day of _____ 20 ____ served
a copy of the within _____

_____ On _____

_____ in
person _____

Return same day

Deputy Sheriff of Orleans Parish

ENTERED

PAPER

RETURN

SERIAL NO.

DEPUTY

PARISH

DOMICILIARY SERVICE

On this ____ day of _____ 20 ____ served
a copy of the within _____

_____ on _____

by leaving same at _____ domicile or usual
place of abode _____

in the hand of _____

a person of suitable age and discretion, residing
therein as a member of _____ domiciliary

establishment, whose name and other facts
connected with this service I learned by interrogating

the said _____

the said _____ being

absent from _____ domicile at time of said service.

Returned same day

Deputy Sheriff of Orleans Parish

SHERIFF'S RETURN

FILED

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CIVIL DISTRICT COURT

NO. 2013-5029

DIVISION "I-14"

DANIEL G. ABEL, INDIVIDUALLY AND AS REPRESENTATIVE PETITIONER

VERSUS

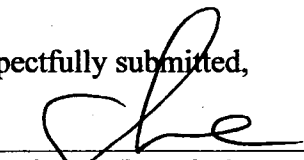
DOUGLAS K. HANDSHOE, ANNE MARIE VANDENWEGHE, JACK "BOBBY" TRUIT, PAUL VANCE, SCOTT STERNBERG, BRODIE GLENN, BALDWIN HASPEL BURKE & MEYER, LLC

FILED: _____ DEPUTY CLERK

ARTICLE 971 SPECIAL MOTION TO STRIKE

NOW INTO COURT, comes Anne Marie Vandenberghe, who respectfully moves this Honorable Court to strike plaintiff's original Petition, with prejudice, for the reasons set forth herein. Further, defendant moves for attorney's fees and costs associated with the defense of this matter.

Respectfully submitted,


Defendant in Propria Persona
Anne Marie Vandenberghe
2021 Hickory Avenue
Harahan, Louisiana 70123
(504) 481-4936

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been duly served on all parties and/or counsel of record by depositing same into the U. S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on the 21st day of August, 2013.


Anne Marie Vandenberghe, in Propria Persona

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2013-5029

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**DOUGLAS K. HANDSHOE, ANNE MARIE VANDENWEGHE, JACK "BOBBY"
TRUIT, PAUL VANCE, SCOTT STERNBERG, BRODIE GLENN, BALDWIN
HASPEL BURKE & MEYER, LLC**

FILED: _____

DEPUTY CLERK

**MEMORANDUM IN SUPPORT OF
ARTICLE 971 SPECIAL MOTION TO STRIKE**

MAY IT PLEASE THE COURT:

This Memorandum in Support of Article 971 Special Motion to Strike is respectfully submitted on behalf of defendant, Anne Marie Vandenberghe (hereafter "Vandenberghe") Firstly, Vandenberghe adopts and incorporates in their entirety, the Memoranda filed by co-defendants Douglas K. Handshoe and Jack "Bobby" Truitt in support of their Special Motions to Strike previously filed into these proceedings as they relate to factual arguments and/or cited law with and for any and all application to Vandenberghe's Special Motion to Strike.

INTRODUCTION

Before the Court is defendant Vandenberghe's Special Motion to Strike the vague, illusory, defamatory, libelous and slanderous claims made against Vandenberghe in the Petition for Damages filed in this Honorable Court by plaintiff Daniel Abel (hereafter "Abel"). This is now the second time that a similar SLAPP lawsuit has been filed by plaintiff Abel, a licensed attorney, against defendant Vandenberghe. Abel is an admitted associate of former Jefferson Parish President Aaron Broussard (" Broussard"), who was recently sentenced to 46 months in prison after pleading guilty to theft and conspiracy to commit bribery, wire fraud and federal program fraud. Abel first brought a very similar suit in Federal Court in the Eastern District of Louisiana, but he moved to dismiss his suit after a similar Motion to Strike was filed therein. Vandenberghe filed a successful Whistleblower claim against the Parish of Jefferson for adverse employment

actions taken in the wake of her involvement with Federal investigation(s) into former Parish President Aaron Broussard, former Parish Attorney Tom Wilkinson and former CAO Tim Whitmer. Vandenweghe's Whistleblower lawsuit settled shortly after Abel filed this latest SLAPP lawsuit.

Abel through self-serving personal affidavits, statements, innuendo and irrelevant references has slandered, defamed and libeled Vandenweghe in numerous filings, pleadings and possibly as a commenter/blogger online in the blog referred to as Real Malice. In this pleading alone Abel has attacked Vandenweghe's professional character and in paragraph 9 goes so far as to impune Vandenweghe's mental health by stating that Vandenweghe exhibits "...classic displays of sociopathic behavior." Abel offers no proof for any of his outlandish claims and certainly offers none for his gratuitous repeated personal attacks on her. Vandenweghe has on numerous occasions refuted Abel's fabrications and distortions, most recently in United States District Court, Eastern District of Louisiana, Case No. 13-88, Magistrate #5, which case Abel dismissed as the result of Vandenweghe's (and other defendants') Special Motions to Strike. Vandenweghe is at a loss to explain Abel's vitriolic language and abusive conduct toward her as she has had no personal or professional contact with Abel (other than recently in Federal District Court where Abel physically attacked her husband and had to be warned off by other defendants) to her information, knowledge and belief.

Abel continues to file SLAPP lawsuits against Vandenweghe and others in an attempt to interfere with their right of petition or free speech. Abel's conclusory allegations repeated yet again in this his latest pleading are totally lacking the specificity required to state any claim.

The Honorable Judge Helen Berrigan, in Jonathan Vilma v Roger Goodell, CA#12-1283 dismissed Vilma's claim citing Tuchman v. DSC Communications Corp., 14 F.3d 1061, 1067 (5th Cir. 1994); Kane Enters. V. MacGrefor(USA) Inc., 322 F.3d 371, 374 (5th Cir.2003) and stated that:

" The Court must dismiss a complaint if it does not and cannot state a claim upon which relief can be granted. ...in order to avoid dismissal for failure to state a claim...{he} must plead specific facts, not mere conclusory allegations. We will thus not accept as true conclusory allegations or unwarranted deductions of fact."... "{A} plaintiff must plead specific facts, not mere conclusory allegations, to avoid dismissal for failure to state a claim."...and "{C}onclusory allegations or legal conclusions masquerading as factual conclusions will not defeat the motion." And

citing Gaunt v. La. Citizens Prop. Ins. Corp., 512 R. Supp. 2d 493, 497 (E.D. La. 2007) (Berrigan,J.): “{C}onclusory allegations or legal conclusions masquerading as factual conclusions will not defeat the motion.”}

As the United States Supreme Court held in Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009):

“...a claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged,... Threadbare recitals of the elements of a course of action, supported by mere conclusory statements, do not suffice.”

Plaintiff Abel repeatedly files pleadings wherein he makes conclusory allegations and/or legal conclusions ‘masquerading’ as factual conclusions. Most recently Abel was held liable for defendants’ Costs and Attorney Fees in Sherrie Buras, et al v. Rodney Strain, et al; Civil Action 11-785, Section R(3) USDC, Eastern District. In that case the Honorable Sarah S. Vance cited Blanco River, LLC v. Green, 457 F. App 431, 434, 438-9 (5th Cir. 2012) relative to counsel who unreasonably and vexatiously multiplied the proceedings being liable jointly and severally for Costs and Attorney Fees. Vandeweghe can only surmise that Abel’s repetitive actions against her are solely for SLAPP purposes designed to cause defendant financial, emotional and professional harm by requiring her to repeatedly defend herself against his unfounded, scurrilous attacks.

Defendant Vandeweghe further believes Abel continues to file lawsuits against her in retaliation for her cooperation with the Federal investigations into corruption in the Parish of Jefferson and in retaliation for her filing her (recently concluded) Whistleblower lawsuit against the Parish of Jefferson for their retaliatory adverse employment action against her. Vandeweghe is concerned that Abel may be working in concert with others in these endeavors to smear her reputation in the community and to cause her irreparable professional harm. The timing of the various filings by Abel (such as this recent filing) is suspect when considered in context with Vandeweghe’s Whistleblower lawsuit and the conclusion, pleas and sentences in the Federal investigation of corruption in Jefferson Parish.

Vandeweghe further believes Abel is singling her out because of her Christian faith and bible beliefs. Vandeweghe attends Harahan Christian Church, a Christ centered Word of God based church where the Bible is read and preached daily. Plaintiff Abel is targeting Vandeweghe with repeated SLAPP lawsuits because of her faith and religious beliefs which are protected rights under any reading of the Constitution of this

great nation and/or state. Abel is attempting to silence Vandenberg's free speech and freedom of religion by repeatedly filing SLAPP lawsuits and by unreasonably and vexatiously multiplying proceedings.

Abel exhibits classic transference behavior by attributing his penchant for fabrication of falsity to others. Despite repeatedly being informed in sworn statements (most recently on page 10 footnote 34 in Defendant Handshoe's Memorandum in Support of his Motion to Strike) that defendant Vandenberg has no proprietary interest or control of any type in the blog Slabbed.org, Abel continues to allege (as seen most recently in Paragraph 35 of Abel's original petition in the instant case) that Vandenberg is a co-owner/publisher of that blog. Abel's failure to perform due diligence by 1. Determining the veracity of his allegation prior to the first time he made that false allegation in his federal SLAPP lawsuit, and 2. Removing that allegation in subsequent filings after repeated sworn statements of its falsity, is prima facie proof of the harassing nature and purpose of his SLAPP lawsuits against Vandenberg. This is also but one example of Abel's unreasonable and vexatious multiplying of proceedings.

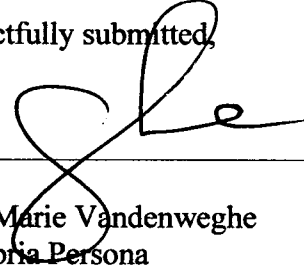
What Abel has not alleged, because he cannot provide proof to support same, is that Vandenberg defamed him or anyone else in any comment made by her in her name on any forum or blog.

Abel likewise has failed to plead specific facts, not mere conclusory allegations, that Vandenberg blogged under the numerous and various names he claims to have 'scientifically' linked to her writing style utilizing Stylometry. Stylometry is a purported science of the analysis of writing style which claims to be able to match within a 20% failure rate the writing style of various named writers to anonymous writers. Abel is neither an expert nor has he offered any such analysis to support his allegations that Vandenberg commented using numerous names and 'conversed' with herself under various names. Vandenberg unequivocally denies doing so as she stated in her sworn affidavit in the federal lawsuit since dismissed by Abel. By making the identical allegations in this lawsuit, Abel is again guilty of unreasonably and vexatiously multiplying the proceedings and should be cast in judgment for Vandenberg's attorneys fees, costs and expenses in defending this action against her.

CONCLUSION

For the foregoing reasons defendant Vandenberghe moves this Court to strike and dismiss with prejudice Plaintiff's claims against her, and to cast Plaintiff in judgment for her attorney's fees, costs and expenses associated with the defense of this action.

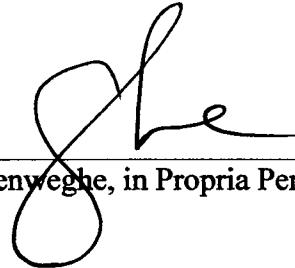
Respectfully submitted,



Anne Marie Vandenberghe
in Propria Persona
2021 Hickory Avenue
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FILED: _____ DEPUTY CLERK

RULE TO SHOW CAUSE

Considering defendant Anne Marie Vandenberghe's Article 971 Special Motion to Strike;

IT IS HEREBY ORDERED that plaintiff, Daniel G. Abel, Individually, and as Representative Petitioner, show cause on the _____ day of _____ 2013, why this Motion to Strike should not be granted and why the plaintiff's Petition should not be dismissed at plaintiff's cost and for costs and attorney's fees associated with the defense of this matter.

New Orleans, Louisiana, this _____ day of _____ 2013

THE HONORABLE PIPER D. GRIFFIN

PLEASE SERVE:

Daniel G. Abel, Esq.
2421 Clearview Parkway
Legal Department- Suite 106
Metairie, Louisiana 70001