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UNITED STATES DISTRICT COURT

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Western District Of Texas

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WESTERN DISTRICT OF TEXAS
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Case No.: **SA07CA0353 XR**

DENISE MCVEA

Plaintiff,

vs.

JAMES CRISP

Defendant

COMPLAINT

PLAINTIFF'S ORIGINAL PETITION

COMPLAINT FOR LIBEL PER SE, DISPARAGEMENT, INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS, INJURIOUS FALSEHOOD,
and FALSE LIGHT

PARTIES

1. Plaintiff Denise McVea is a journalist, author and human rights advocate, and stipulates that she is a limited public figure in this cause of action. She can be contacted at PO Box 2301731, San Antonio, Texas 78220.

2. Defendant James Crisp is the author and publisher of the defamatory publication that is the focus of this cause of action. Defendant Crisp can be served notice at his place of employment, North Carolina State University, 161 Harrelson Hall, Campus Box 8108, Raleigh, N.C. 27695-8108.

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DIVERSITY

Plaintiff is a resident of Bexar County, Texas. Defendant is a resident of Raleigh, North Carolina. Therefore venue is proper in this court.

CAUSE OF ACTION

PLAINTIFF, for her complaint and petition, respectfully shows to the court and alleges the following:

1. That at all times hereinafter mentioned the Plaintiff was and still is engaged as a researcher, writer and author and has conducted said profession in Texas, internationally, and via the internet for the purpose of selling books and informing the public about various contemporary and historical social issues prior to the publication of the false and defamatory statements hereinafter set forth.
2. That Plaintiff has always enjoyed a good standing as a journalist, researcher and author and has held a strong reputation for producing honest, factual and exacting work that her readers can trust and rely upon.
3. That Defendant has borne ill will towards Plaintiff and her work since Plaintiff, in her duty as historical author and researcher, raised ethical questions about Defendant's public portrayal and treatment of a purported historical document that Defendant supports.

1 archival research carried out in his spare time, has now brought forth a
2 succinct article which, using passport applications, census data,
3 newspaper accounts, and ships' passenger lists, makes a rock-solid case
4 that Denise's provocative and interesting theory is wrong -- just flat
5 wrong."

6 8. That at the same time and publication, and in
7 connection with Plaintiff's research and writings, Defendant maliciously
8 published and disseminated the following words: "The indenture agreement,
9 which Dunn identified in the 90s, was equally effective in disproving the
10 "one Emily" thesis, but it has been curtly dismissed by McVea for reasons
11 that defy logic and fact."

12 9. That at the same time and publication, and in
13 connection with Plaintiff's research and writings, Defendant maliciously
14 published and disseminated the following words: "now McVea claims that
15 the evil Jeff Dunn has prepared another tissue of mistruths. Her
16 accusation is balderdash."

17 10. That at the same time and publication, and in
18 connection with Plaintiff's research and writings, Defendant maliciously
19 published and disseminated the following words: "McVea, I have discovered
20 -- in large part thanks to this forum -- is at her nastiest when her
21 arguments are at their weakest -- and she is plenty nasty just now."

22 11. That at the same time and publication, and in
23 connection with Plaintiff's research and writings, Defendant maliciously
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1 published and disseminated the following words: **“The documents which**
2 **Dunn has used -- documents either ignored, not found, or suppressed by**
3 **Denise McVea -- are in the public domain, and available for anyone to**
4 **check.”**

5 12. That at the same time and publication, and in
6 connection with Plaintiff’s research and writings, Defendant maliciously
7 published and disseminated the following words: **“But the kind of character**
8 **assassination practiced by McVea against Dunn in her posting of April 25**
9 **is, at best, malicious nonsense.”**

10 13. That at the same time and publication, and in
11 connection with Plaintiff’s research and writings, Defendant maliciously
12 published and disseminated the following words: **“Please read very carefully**
13 **any "rebuttal" submitted by Ms. McVea, and check her references with**
14 **equal care. That's what I did when I found that her arguments in previous**
15 **submissions -- arguments based on prodigious and ingenious archival**
16 **research -- nevertheless simply did not match the documentary evidence.”**

17 14. That the words so published and disseminated
18 were false and defamatory, were known to the Defendant to be false and
19 defamatory, and were published willfully and maliciously with the intent to
20 damage the Plaintiff’s good name, reputation and public stature as a journalist,
21 historical researcher, and author.

22 15. That the words so published and disseminated
23 constitute libel per se and were published and disseminated with actual malice.
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1 16. That the words so published and disseminated
2 were injurious falsehoods and published with the intent of damaging the
3 Plaintiff's product, business and profession.

4 17. That the words so published and disseminated
5 were willfully and maliciously published with the intent of placing the Plaintiff
6 in a negative false light and did so place Plaintiff in a negative false light.

7 18. That after publication and dissemination of the
8 defamatory article, Plaintiff presented Defendant with written notice of the
9 defamations, but Defendant willfully refused to retract or otherwise correct the
10 defamations against Plaintiff.

11 19. That by reason of the libelous statements
12 published by Defendant, Plaintiff has been injured in her good name and
13 reputation as a journalist, researcher and author, has suffered great emotional
14 distress, has been held up to ridicule and contempt by her friends,
15 acquaintances and the public, all to her damage in the sum of (\$2,000,000) two
16 million dollars.

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19 20. WHEREFORE, PREMISES CONSIDERED,
20 Denise McVea, Plaintiff herein, prays that the defendants be cited to appear
21 and answer herein, and that upon final hearing the Court award judgment in
22 favor of Plaintiff and against Defendants, jointly and severally, for actual
23 damages, exemplary damages, pre-judgment interest and post-judgment
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1 interest, together with such other and further relief, both general and special, at
2 law and in equity, to which Plaintiff may show herself justly entitled.
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5 Dated this 19th day of April, 2007

6 By: 

7
8 DENISE MCVEA

9 PO BOX 201731

10 SAN ANTONIO, TEXAS 78220

11 DENISE MCVEA

12 PRO SE LITIGANT
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