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JUN 30 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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5 Pro Se

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

8 JAN E. KRUSKA,  
9  
10 Plaintiff,  
11 vs.  
12 PERVERTED JUSTICE FOUNDATION  
13 INCORPORATED et al.,  
14 Defendants.

)  
)  
)  
) Case No. CV08-00054-PHX-SMM  
)  
) **AMMENDED CIVIL COMPLAINT AS TO**  
) **DEFENDANT BARBARA OCHOA AKA**  
) **"PETRA LUNA" (ONLY) FOR**  
) **PRELIMINARY AND PERMANENT**  
) **INJUNCTION, INTENTIONAL**  
) **INFLECTION OF EMOTIONAL**  
) **DISTRESS, DEFAMATION,**  
) **INTERFERENCE WITH CONTRACTUAL**  
) **RELATIONS; CONSPIRACY AGAINST**  
) **RIGHTS, VIOLATION OF R.I.C.O.,**  
) **CYBERSTALKING, CYBERHARASSMENT,**  
) **CONSPIRACY TO COMMIT UNLAWFUL**  
) **ACTS, VIOLATIONS OF THE DIGITAL**  
) **MILLENNIUM COPYRIGHT ACT AND**  
) **PRIMA FACIA TORT**

(Jury Trial Demanded)  
(Assigned to the Honorable  
Stephen M. McNamee)

---

24 COMES NOW Plaintiff Jan E. Kruska, a married woman  
25 with minor children representing herself as  
26 Plaintiff, and at all times relevant residing in  
27 the forum state of Arizona, in accordance with the  
28 Judicial **ORDER** of this Court Doc. 63 and under Fed.

1 Rules of Civ. Procedure Rule 12, hereby respectfully  
2 Moves to amend her Complaint regarding jurisdictional  
3 matters as to Defendant Barbara Ochoa (herein Ochoa).  
4

5 **PARTIES**

6  
7 1. Plaintiff is a resident of Glendale, Arizona and  
8 has been at all times relevant for the purposes of  
9 all the acts and omissions giving rise to this  
10 complaint.  
11

12 2. Defendant Barbara Ochoa AKA "Petra Luna" is a  
13 resident of the State of California doing business  
14 within the forum state of Arizona.  
15

16 3. Other co-Defendants in this cause are: Perverted  
17 Justice Foundation Incorporated. Org DBA  
18 [www.corporatesexoffenders.com](http://www.corporatesexoffenders.com) and its sub site  
19 "Wikisposure Project", doing business in the forum  
20 state of Arizona, Xavier Von Erck AKA Phillip John  
21 Eide President, CEO, and contributor to the  
22 Above mentioned Foundation and websites doing  
23 business in the forum state of Arizona, Christopher  
24 Brocious owner and contributor to  
25 [absolutezerounited.blogspot.com](http://absolutezerounited.blogspot.com),  
26 [absolutezerounited.com](http://absolutezerounited.com), and [absolutezerounited.org](http://absolutezerounited.org)  
27  
28

1 doing business in the forum state of Arizona, Filmax  
2 Inc., a Tennessee based company doing business with  
3 the forum state of Arizona, David M. Butler,  
4 President of Filmax Inc., doing business in the forum  
5 state of Arizona, April Butler, Vice president of  
6 Resource Recovery Systems a division of Filmax, Inc.  
7 doing business within the forum state of Arizona,  
8 owners of www.jankruska.com and www.jankruska.net.  
9 Godaddy.com and Arizona based company, domain name  
10 registrar and web hosting company contracted to host  
11 jankruska.com, jankruska.net, petraluna.com,  
12 and petralunaunitednations.com all websites that are  
13 involved with the acts and omissions giving rise to  
14 this cause of action, Bob Parsons, an Arizona  
15 resident, President and CEO of Godaddy.com, radio  
16 Godaddy and life online with Bob Parsons, doing  
17 business in the forum state of Arizona, John and Jane  
18 Does 1-60, Limited Liability Companies, Black and  
19 White Partnerships, Limited or otherwise doing  
20 business in the forum state of Arizona.

21 John and Jane Does 1-38: are corporations, Individuals,  
22 and/or married couples, limited liability companies, black  
23 and white partnerships, limited or otherwise whose  
24 identities are as of yet unknown.

1 John and Jane Does 1-22 go by the following online aliases:  
2 stitches AKA stitches77, Misty, Jacey, AZUBRD, Sargent  
3 Albatross, Violet leaves, Fiesty CG aka feisty country  
4 girl, Charmeyn, Cheri, Reaper of Souls, Sues, Mo2kidz,  
5 Petra Luna's MySpace Chief of Police, Petra Luna the real  
6 me, Dr. Rev. Laurie Kinard, daydreamerofoz, rookie, tampa  
7 pirate, myspace.com/chaddladdysmama Christopher, bloviating  
8 zeppelin, antipaedo.  
9  
10

### 11 INTRODUCTION

12 Stalking has become serious in recent years, resulting in the  
13 enactment of anti-stalking statutes of varying definitions and  
14 applications. California started in 1990, and all states plus  
15 the District of Columbia have now followed suit. Additionally,  
16 in 1994, congress enacted the Violence against Women's Act  
17 (VAWA).

18 The tort of cyber stalking is receiving increased recognition.  
19 Federal law exists on cyber stalking and in recent years states  
20 have begun enacting laws against cyber staking or amending  
21 stalking laws to specifically include cyber stalking.

22 Given the recent epidemic of documented cases of vigilantism,  
23 up to and including assault and murder of registered sex  
24 offenders and those accused of committing sex crimes, Plaintiff  
25 is now in a constant state of fear for her life and that of her  
26 family due to the malicious, ongoing, and direct result of  
27 Defendants actions.  
28

1 Plaintiff has suffered irreparable harm to character and person  
2 as a direct, willful and ongoing result of defendants and each  
3 of their actions.

4 On or about August 22, 2007 Plaintiff began receiving venomous  
5 e-mails via youtube.com in reference to her speaking out against  
6 sex offender laws, their ineffectiveness, and over breadth.

7 Plaintiff did so under a pseudonym or pen name Amanda Rogers to  
8 protect her identity and that of her family, for reasons which  
9 for the purposes of this complaint are now quite obvious.

10 Plaintiff shortly thereafter received a message containing a  
11 link to a website called absolutezerounited.blogspot.com where  
12 she was and is repeatedly portrayed in a false light as a  
13 "Pedophile", "Pro-pedophile", and a "child molester" and that  
14 she "starved a child".

15 Copyrighted pictures were and are used illegally and  
16 unauthorized, many times being altered with racial innuendo.

17 Copyrighted written material of Plaintiff's was used and  
18 continues to be taken out of context and used unauthorized in a  
19 highly inflammatory, defamatory and libelous nature.

20 These activities have directly led to documented threats of  
21 bodily injury and threat of death against Plaintiff which were  
22 posted in their comments section hosted by haloscan.com.

23 The absolutezerounited.blogspot.com website soon posted a link  
24 to [www.corporatesexoffenders.com/wikisposure](http://www.corporatesexoffenders.com/wikisposure) which showcased  
25 Plaintiff under the categories of "Female Pedophiles",  
26 "Pedophile Activists" and by the forum state of "Arizona".

27 According to the corporatesexoffender.com "Wikisposure" page on  
28 Plaintiff the contents of this webpage was a culmination as part  
of a "joint effort" between the absolutezerounited.blogspot.com

1 and Perverted Justice's Corporatesexoffenders.com through their  
2 "wikisposure" sub site.

3 The webpage devoted to Plaintiff displays four copyrighted  
4 images of Plaintiff as well as numerous copyrighted written  
5 materials. Plaintiff's personal identifying information is also  
6 publicly displayed such as home address, telephone and cell  
7 phone numbers, maiden and married names, jobs plaintiff has  
8 held, online magazines and bands she has written for, date of  
9 birth, e-mail addresses, known affiliates (some of which she  
10 does not know), Plaintiff's hobbies, that Plaintiff is a  
11 "convicted child molester", that she was "convicted of molesting  
12 a child in Massachusetts" convicted of molesting a child in  
13 Arizona" and that she is a "pedophile".

14 28. Plaintiff contacted both Perverted Justice and  
15 Absoloutezerounited demanding they cease and desist.

16 29. Plaintiff got no response from absoloutezerounited.blogspot  
17 (.com and/or .org).

18 30. Plaintiff did receive a response from Perverted Justice  
19 which simply stated "Please shut up, your typing is boring".

20  
21 Barbara Ochoa AKA "Petra Luna" is a contributor and actor  
22 to and on www.jankruska.com as well as the owner of  
23 multiple duplicitous websites of defamatory and dangerous  
24 nature as outlined herein.

25  
26 **FACTS**

27 1. Plaintiff has no child molestation conviction in  
28 Massachusetts, Arizona, or anywhere else.

2. Plaintiff has no child abuse conviction

- 1 3. Plaintiff has no felony convictions
- 2 4. Plaintiff is not nor has ever been designated as a sexual  
3 predator
- 4 5. Plaintiff is not now nor has ever been diagnosed with  
5 pedophilia, that is defined according to the Diagnostic and  
6 statistical Manual for Mental Disorders (4<sup>th</sup> ed. Page 528).  
7 (Pedophilia is defined as "having intense sexual arousing  
8 fantasies, sexual urges, or behaviors involving sexual activity  
9 with pre-pubescent children.)
- 10 6. Plaintiff does not nor has she ever condoned, advocated for,  
11 or supported pedophilia in any way, shape or manner.
- 12 7. Defendants, and each of them have acted as judge, jury, and  
13 executioner with no factual basis for their deliberate and  
14 malicious statements and threatening and endangering actions  
15 against Plaintiff. There is simply NO PLACE in a civilized  
16 society for this sort of behavior to be tolerated under any set  
17 of circumstances.
- 18 8. While Defendants may hold opposing views or views that differ  
19 from Plaintiff, NONE have the legal right to attack Plaintiff in  
20 the manner, recklessness, and complete disregard for Plaintiff  
21 and her family's safety and reputation as did Defendants in this  
22 cause, which is ongoing and continuous.
- 23 9. False allegations have cause Plaintiff to lose multiple  
24 journalistic opportunities and business ties, caused difficulty  
25 in Plaintiff gaining employment and writing opportunities now  
26 and in the foreseeable future, and have otherwise embarrassed,  
27 defamed, humiliated and destroyed Plaintiff's personal life.
- 28 10. Plaintiff is suffering from extreme mental and emotional  
stress and has medical problems which have been greatly

1 exacerbated as a direct result of Defendant's and each of their  
2 activities.

3 11. Plaintiff has been placed in reasonable fear for her safety,  
4 her life, and that of her family's.

5  
6  
7  
8 GENERAL AND PERSONAL JURISDICTION MEMORANDUM, POINTS,  
9 AUTHORITIES AND AFFIDAVIT IN SUPPORT

10 I. For jurisdiction to be constitutional, the Defendant has  
11 to have "contacts" with the state in which the court  
12 sits of such quality and nature that exercise of  
13 personal jurisdiction would not "offend traditional  
14 notions of fair play and substantial justice." It should  
15 be noted, however, that the "contacts" necessary to  
16 sustain personal jurisdiction **need not always be**  
17 **physical contacts**. In appropriate circumstances, such as  
18 in the instant cause of action, an intentional  
19 relationship with residents of a state can be a basis  
20 for sustaining personal jurisdiction.

21 II. In Defendant Ochoa's Motion to Dismiss under Rule 12 (b)  
22 she attacked merits of the case **OTHER** than jurisdiction.  
23 Defendant Ochoa attacked the individual allegations thus  
24 purposely availing herself to this courts jurisdiction.  
25 Defendants actions were and are tortuous, willful,  
26 continuous, systematic, and endanger Plaintiff and her  
27 family.

28 See *Shaffer v. heitner*, 433 U.S. 186,204,97, S.Ct.2569,2579,53  
L.Ed.,2d 683 (1977). Also see *Burger King v. Rudzewicz* 471 U.S.,



1 and Cf., eg. Northern Laminate Sales, Inc. v. Davis 403F.  
2 3d.14,25 (1<sup>st</sup> Cir.2005) ("This circuit divides (the) minimum  
3 contacts analysis into three inquiries: relatedness, purposeful  
4 availment, and reasonableness.")

5 Also see e.g., Omeluk v. Langsten Slip & Battbyggeri A/S 52  
6 F3d.267 (9<sup>th</sup> circuit 1995) ("systematic and continuous" contacts  
7 usually equals good jurisdiction.)

8 **III.** This court has general **and** personal jurisdiction over  
9 Defendant Barbara Ochoa (AKA) "Petra Luna" pursuant to the  
10 following alleged violations arising from the willful,  
11 intentional acts and omissions of Defendant Ochoa her  
12 "affiliates" in her "army" and other co-Defendants in this  
13 cause. Under Rule 12 Motions To Dismiss in Federal Question  
14 cases, the party must demonstrate a non-frivolous claim  
15 based on Federal law which Plaintiff did and does as  
16 follows : **18:U.S.C § 1964(a)(c)(c)** Any person injured in his  
17 business or property by reason of a violation of section  
18 1962 of this chapter may sue therefor in any appropriate  
19 United States district court and shall recover threefold  
20 the damages he sustains and the cost of the suit,  
21 including a reasonable attorney's fee, **18 U.S.C. 241**  
22 **Conspiracy Against Rights**, Section 241 of Title 18 is the  
23 civil rights conspiracy statute. Section 241 makes it  
24 unlawful for two or more persons to agree together to  
25 injure, threaten, or intimidate a person in any state,  
26 territory or district in the free exercise or enjoyment of  
27 any right or privilege secured to him/her by the  
28 Constitution or the laws of the Unites States, (or because  
of his/her having exercised the same). Unlike most  
conspiracy statutes, Section 241 does not require that one  
of the conspirators commit an overt act prior to the

1 conspiracy becoming a crime.

2 **28 U.S.C. § 1331, 1332, 1337, Federal questions:** The district  
3 courts shall have original jurisdiction of all civil  
4 actions arising under the Constitution, laws, or treaties of  
5 the United States.

6 **28 U.S.C. § 1343 (a) (3)** The district courts shall have  
7 original jurisdiction of any civil action authorized by law  
8 to be commenced by any person: (1) To recover damages for  
9 injury to his person or property, or because of the  
10 deprivation of any right or privilege of a citizen of the  
11 United States, by any act done in furtherance of any  
12 conspiracy mentioned in section 1985 of Title 42; (2) To  
13 recover damages from any person who fails to prevent or to  
14 aid in preventing any wrongs mentioned in section 1985 of  
15 Title 42 which he had knowledge were about to occur and  
16 power to prevent; (3) To redress the deprivation, under  
17 color of any State law, statute, ordinance, regulation,  
18 custom or usage, of any right, privilege or immunity  
19 secured by the Constitution of the United States or by any  
20 Act of Congress providing for equal rights of citizens or  
21 of all persons within the jurisdiction of the United  
22 States; (4) To recover damages or to secure equitable or  
23 other relief under any Act of Congress providing for the  
24 protection of civil rights, including the right to vote.  
25 Amount in controversy immaterial in action under this  
26 section, **28 USC 1332, 47 U.S.C 23 (5)** to ensure vigorous  
27 enforcement of Federal criminal laws to deter and punish  
28 trafficking in obscenity, stalking, and harassment by means  
of computer., **47 U.S.C. 230 U.S.C.A. 230 Chapter 5,**

1           **Subchapter 2, Part 1 federal criminal liability and**  
2           **intellectual property law. 47 U.S.C. §§ 230(e) (1)**  
3           **(criminal) and (e) (2) (intellectual property);** see also  
4           *Gucci America, Inc. v. Hall & Associates*, 135 F. Supp. 2d  
5           409 (S.D.N.Y. 2001) (no immunity for contributory liability  
6           for trademark infringement. **18 U.S.C S 875 (b) (c) and (d) (b)**  
7           *Whoever, with intent to extort from any person, firm,*  
8           *association, or corporation, any money or other thing of*  
9           *value, transmits in interstate or foreign commerce any*  
10           *communication containing any threat to kidnap any person or*  
11           *any threat to injure the person of another, shall be fined*  
12           *under this title or imprisoned not more than twenty years,*  
13           *or both.*

14           **(c)** *Whoever transmits in interstate or foreign commerce any*  
15           *communication containing any threat to kidnap any person or*  
16           *any threat to injure the person of another, shall be fined*  
17           *under this title or imprisoned not more than five years, or*  
18           *both.*

19           **(d)** *Whoever, with intent to extort from any person, firm,*  
20           *association, or corporation, any money or other thing of*  
21           *value, transmits in interstate or foreign commerce any*  
22           *communication containing any threat to injure the property*  
23           *or reputation of the addressee or of another or the*  
24           *reputation of a deceased person or any threat to accuse*  
25           *the addressee or any other person of a crime, shall be*  
26           *fined under this title or imprisoned not more than two*  
27           *years, or both.*  
28

1  
2 years, or both.

3 18 U.S.C. s 2261 (a) (2) § 2261A(2) makes it a federal crime  
4 to stalk someone across state, tribal or international  
5 lines, using regular mail, e-mail, or the Internet (i.e.,  
6 cyberstalking). The stalker must have the intent to kill or  
7 injure the victim, or to place the victim, a family member,  
8 or a spouse or intimate partner of the victim in fear of  
9 death or serious bodily injury. All of which Defendant has  
clearly done as Plaintiff's evidence will prove.

10 17 U.S.C. Chapter 1 (106), (106A) Rights of certain authors  
11 to attribution and integrity (a) Rights of attribution and  
12 Integrity - Subject to section 107 and independent of the  
13 exclusive rights provided in section 106, the author of a  
14 work of visual art -  
15

16 (1) shall have the right -

17 (A) to claim authorship of that work, and

18 (B) to prevent the use of his or her name as the

19 author of any work of visual art which he or she did  
20 not create;

21 (2) shall have the right to prevent the use of his or her  
22 name as the author of the work of visual art in the event  
23 of a distortion, mutilation, or other modification of the  
24 work which would be prejudicial to his or her honor or  
25 reputation; and  
26  
27  
28

(3) subject to the limitations set forth in section 113(d),

1 shall have the right -

2 (A) to prevent any intentional distortion, mutilation  
3 or other modification of that work which would be  
4 prejudicial to his or her honor or reputation, and  
5 any intentional distortion, mutilation, or modification of that  
6 work is a violation of that right, and

7  
8 (B) to prevent any destruction of a work of recognized  
9 stature, and any intentional or grossly negligent  
10 destruction of that work is a violation of that  
11 right.

12  
13 **§ 1203. Civil remedies**

14 (a) CIVIL ACTIONS. - Any person injured by a violation of  
15 section 1201 or 1202 may bring a civil action in an  
16 appropriate United States district court for such violation.  
17

18 (b) POWERS OF THE COURT. - In an action brought under subsection  
19 (a), the court -

20 (1) may grant temporary and permanent injunctions on such  
21 terms as it deems reasonable to prevent or restrain a  
22 violation, but in no event shall impose a prior restraint  
23 on free speech or the press protected under the 1<sup>st</sup>  
24 amendment to the Constitution;

25  
26 (2) at any time while an action is pending, may order the  
27 impounding, on such terms as it deems reasonable, of any  
28

1 device or product that is in the custody or control of  
2 the alleged violator and that the court has reasonable  
3 cause to believe was involved in a violation;  
4

5 (3) may award damages under subsection (c);

6 (4) in its discretion may allow the recovery of costs by  
7 or against any party other than the United States or an  
8 officer thereof;

9 (5) in its discretion may award reasonable attorney's fee  
10 to the prevailing party; and  
11

12 (6) may, as part of a final judgment or decree finding a  
13 violation, order the remedial modification or the  
14 destruction of any device or product involved in the  
15 violation that is in the custody or control of the  
16 violator or has been impounded under paragraph (2).  
17

18 (c) AWARD OF DAMAGES. —

19 (1) IN GENERAL. — Except as otherwise provided in this  
20 title, a person committing a violation of section 1201 or  
21 1202 is liable for either —  
22

23 (A) the actual damages and any additional profits of the  
24 violator, as provided in paragraph (2), or

25 (B) statutory damages, as provided in paragraph (3).  
26

27 (2) ACTUAL DAMAGES. — The court shall award to the  
28 complaining party the actual damages suffered by the

1 party as a result of the violation, and any profits of  
2 the violator that are attributable to the violation and  
3 are not taken into account in computing the actual  
4 damages, if the complaining party elects such damages at  
5 any time before final judgment is entered.  
6

7 (3) STATUTORY DAMAGES. - (A) At any time before final  
8 judgment is entered, a complaining party may elect to  
9 recover an award of statutory damages for each violation  
10 of section 1201 the sum of not less than \$200 or more  
11 than \$2,500 per act of circumvention, device, product,  
12 component, offer, or performance of service, as the court  
13 considers just.  
14

15 (B) At any time before final judgment is entered, a  
16 complaining party may elect to recover an award of  
17 statutory damages for each violation of section 1202  
18 in the sum of not less than \$2,500 or more than \$25,000.  
19

20 (4) REPEATED VIOLATIONS. - In any case in which the injured  
21 party sustains the burden of proving, and the court  
22 finds, that a person has violated section 1201 or 1202  
23 within three years after a final judgment was entered  
24 against the person for another such violation, the court  
25 may increase the award of damages up to **triple** the amount  
26 that would otherwise be awarded, as the court considers  
27  
28

1 just.

2 **42 U.S.C. 1983** Every person who, under color of any statute,  
3 ordinance, regulation, custom, or usage, of any State or  
4 Territory or the District of Columbia, subjects, or causes to be  
5 subjected, any citizen of the United States or other person  
6 within the jurisdiction thereof to the deprivation of any  
7 rights, privileges, or immunities secured by the Constitution  
8 and laws, shall be liable to the party injured in an action at  
9 law, suit in equity, or other proper proceeding for redress,

10 **42 U.S.C. 1985(3) Depriving persons of rights or privileges**

11 If two or more persons in any State or Territory conspire or go  
12 in disguise on the highway or on the premises of another, for  
13 the purpose of depriving, either directly or indirectly, any  
14 person or class of persons of the equal protection of the laws,  
15 or of equal privileges and immunities under the laws; or for the  
16 purpose of preventing or hindering the constituted authorities  
17 of any State or Territory from giving or securing to all persons  
18 within such State or Territory the equal protection of the laws;  
19 or if two or more persons conspire to prevent by force,  
20 intimidation, or threat, any citizen who is lawfully entitled to  
21 vote, from giving his support or advocacy in a legal manner,  
22 toward or in favor of the election of any lawfully qualified  
23 person as an elector for President or Vice President, or as a  
24 Member of Congress of the United States; or to injure any  
25 citizen in person or property on account of such support or  
26  
27  
28



1 advocacy; in any case of conspiracy set forth in this section,  
2 if one or more persons engaged therein do, or cause to be done,  
3 any act in furtherance of the object of such conspiracy,  
4 whereby another is injured in his person or property, or  
5 deprived of having and exercising any right or privilege of a  
6 citizen of the United States, the party so injured or deprived  
7 may have an action for the recovery of damages occasioned by  
8 such injury or deprivation, against any one or more of the  
9 conspirators, USC 2403 Hobbs Act- Extortion by Force, Violence,  
10 or Fear, 19 U.S.C. part 1 section 373 Conspiracy, 17 U.S.C.  
11 Copyrights chapter 5 infringements section 501(a), U.S.C. 18  
12 part 1 chapter 14 extortion and threats, section 875 -  
13 interference with interstate commerce, and Pursuant to: ARS 13-  
14 1201, and A.R.S. 13-1202. See Michogan So. R.R. v. Branch & St.  
15 Joseph Counties Rail users Association, 287 F3.d 568,573 (6<sup>th</sup>  
16 cir. 2002) commenting that claim will generally survive motion  
17 to dismiss if Plaintiff shows "any arguable basis in law" for  
18 claims alleged.

22 Further, Jurisdiction is proper for Defendant Barbara Ochoa AKA  
23 "Petra Luna" (herein Ochoa) for the following additional  
24 reasons:  
25

- 26 1. Defendant Ochoa does and has done business within the  
27 forum state of Arizona for the purposes of this action  
28 which more than satisfy the "minimum contact rule" and  
for "relatedness, purposeful availment and

1           reasonableness" test for jurisdiction to be proper and  
2           which would definitely **NOT** offend due process.

3           2. First, Defendant Ochoa **does** in fact do business within  
4           the forum state of Arizona which makes personal  
5           jurisdiction proper.

6           3. Specifically, Defendant Ochoa contracts with and owns  
7           two websites which are registered through, hosted by  
8           and powered by Godaddy.com AKA "Domains By Proxy" as  
9           internet service providers and which sites are hosted  
10          on their servers. (See Exhibit A pages 1-10.)

11          4. GoDaddy.com is a co-Defendant in this cause and is a  
12          **Scottsdale, Arizona Company** - located within the forum  
13          state. These websites are www.petraluna.com and  
14          www.petralunaunitednations.com. (See exhibit A pages  
15          1-10). Also See The Court in *Zippo Manufacturing Co.*  
16          *v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119, 1124 (W.D.  
17          Pa. 1997), after reviewing available cases and  
18          materials, stated that "the likelihood that personal  
19          jurisdiction can be constitutionally exercised is  
20          directly proportionate to the nature and quality of  
21          commercial activity that an entity conducts over the  
22          Internet."

23          5. The following domain names and websites are contracted  
24          through and hosted by GoDaddy.com an Arizona Company  
25          in the forum state and powered by GoDaddy.com's  
26          "website tonight". Those sites being:  
27          www.petralunaunitednations.com, as well as  
28          JanKruska.com in which Defendant Ochoa is also a  
            contributor, and petraluna.com. In addition to the

1 above mentioned websites where Defendant was the owner  
2 and or contributor or both, Defendant's Myspace page  
3 as well as a page she created on Bebo.com, displayed  
4 demands for Plaintiff to relinquish her property,  
5 ie., "remove her website(s) and entire web presence  
6 with a deadline of October 15, 2007" or Defendant  
7 Ochoa and her army would "launch a full scale activist  
8 attack on Plaintiff." See exhibit B (pages 1-39)

9 6. This demand contained threats and evidence of  
10 extortion by defendant Ochoa and her "army". This  
11 website also contained unauthorized copyrighted,  
12 maliciously altered and unlawfully edited copyrighted  
13 images of Plaintiff, a resident of the forum state.  
14 This website ([www.petalunaunitednations.com](http://www.petalunaunitednations.com)) is  
15 hosted by and registered through GoDaddy.com via a  
16 business contract and is located in the forum state of  
17 Arizona and was viewable by and in fact viewed by  
18 readers in the forum state. Additionally Defendant  
19 Ochoa made posts directed squarely at Plaintiff  
20 containing threats. On yet another website of  
21 Defendant Ochoa's [www.petaluna.blogs](http://www.petaluna.blogs), she stated "We  
22 are SOLDIERS!!" "WE DON'T GIVE A "EXPLETIVE"!! COME AT  
23 US WITH A LAWSUIT, HANDCUFFS, WHATEVER?? BRING  
24 IT!!!!??? NOTHING WILL STOP US NOW. This was followed  
25 by Defendant Ochoa's demands for Plaintiff to give up  
26 her property (websites).

27 7. Defendant Ochoa and her "affiliates" also have  
28 multiple MySpace pages which contained duplicitous  
false and defamatory information on Plaintiff as well

1 as the illegal use of maliciously altered and un-  
2 altered images of Plaintiff. Defendant Ochoa gave  
3 orders for all of her followers and affiliates to post  
4 and repost said unauthorized and maliciously altered  
5 images, along with factually false and defamatory  
6 information on Plaintiff via "MySpace Bulletins" and  
7 e-mails under the name "Petrasoldiermail" which many  
8 of her followers and affiliates did in fact do. These  
9 MySpace pages were viewable and indeed were viewed by  
10 readers in the forum state. The e-mails were targeted  
11 and sent directly to Plaintiff (see exhibits B)

12 8. Defendant Ochoa also has a top "affiliate" or  
13 "association - in - fact" living in the forum state of  
14 Arizona named "Misty Ann" AKA "M.A." AKA "Petra Luna's  
15 MySpace Chief Of Police" and whose full identity will  
16 be and can only be made known through discovery. Once  
17 the full identity of this individual is made known,  
18 Plaintiff will seek leave from this court to add  
19 "Misty Ann" as a co-Defendant in this case. **See**  
20 **exhibits B** for 'Misty Ann's (Petra Luna's AKA  
21 Defendant Ochoa's MySpace Chief of Police) own  
22 admission of being an Arizona resident as well as e-  
23 mails from former "petra Luna" followers confirming  
24 such.

25 9. "Misty Ann" resides in the forum state of Arizona and  
26 has a MySpace page, again viewable by and in fact  
27 viewed by readers in the forum state and which  
28 directly targeted Plaintiff a resident of the forum  
state with threats of physical injury. Stating "Watch

1 your back, I am out to get you and I reside in AZ  
2 too." This individual also placed links to various  
3 locations and websites located in the forum state of  
4 Arizona as is evidenced by the attached exhibit.

5 "Misty Ann" additionally posted a link to the aerial  
6 view and home address of Plaintiff *See exhibit.*

7 Unfortunately, this turned out to be by neighbors  
8 house.

9 10. "Misty Ann" calls herself "Petra Luna's MySpace Chief  
10 Of Police" and has worked in concert with Defendant  
11 Ochoa and other co-Defendants as a co-conspirator in  
12 the allegations set forth in this complaint as well as  
13 the responses, memorandums, attachments, exhibits and  
14 affidavits already filed with this court. *See attached*  
15 *exhibit for an e-mail from individuals wishing to*  
16 *remain anonymous for fear of retaliation, who left*  
17 *Defendant Ochoa's "Petra Luna's Army" and who*  
18 *confirmed "Misty Ann" does in fact not only live in*  
19 *Arizona but in the same town as Plaintiff, well within*  
20 *the forum state of Arizona. Additionally, it should be*  
21 *noted that "Misty Ann" does not appear to actually be*  
22 *a member of law enforcement yet is posing online as a*  
23 *"chief of police."*

24 11. Defendant Ochoa along with the help of other co-  
25 Defendant in this case, contributed to and appeared in  
26 a slideshow impersonating and defaming Plaintiff on a  
27 website named after Plaintiff [www.jankruska.com](http://www.jankruska.com) which  
28 was launched in September of 2007.

1 12.The jankruska.com (and additionally jankruska.net)  
2 domain names are contracted with, hosted by and  
3 registered yet again, through co-Defendant in this  
4 cause, Godaddy.com. The website is/was also powered by  
5 "website tonight" by Godaddy.com whose servers and  
6 whose place of business is in the forum state of  
7 Arizona, specifically Scottsdale, AZ.

8 13.The ENTIRE Jankruska.com website was named after  
9 Plaintiff, a resident of the forum state, targeted  
10 specifically at the forum state and included  
11 statements squarely directed at Plaintiff, a resident  
12 of the forum state. Indeed the website was named after  
13 Plaintiff, contained her married and maiden names, e-  
14 mail addresses, copyrighted photos and defamatory and  
15 false statements.

16 14. The home page contained copyrighted images of  
17 Plaintiff with a caption of "Jan Kruska - PROFILE OF A  
18 PREDATOR". The website also displayed a "Dear Jan"  
19 letter from Defendant Ochoa which was intentionally  
20 targeted directly at her with the "promise" - not a  
21 threat" of some sort of "Full scale activist attack on  
22 Plaintiff" a resident of the forum state. See exhibits  
23 B.

24 15. This website was also viewable by and viewed by  
25 readers in the forum state. Here, Defendants Ochoa and  
26 Co-Defendant April Butler stated as fact, that  
27 Plaintiff is a "predator", a "convicted child  
28 molester", "pro-pedophile" and other despicable,  
defamatory and **false** statements about Plaintiff.

1 16. Additionally, this website included Plaintiff's  
2 married and maiden names indicating Defendants have  
3 been performing intrusive and unwarranted checks on  
4 Plaintiff which are equivalent to stalking (ie.  
5 Cyberstalking.)

6 17. Other pages in the site contained more copyrighted  
7 images of Plaintiff who is a resident of the forum  
8 state. The site also contained links to various forum  
9 state run websites. Again, these pages were intended  
10 to be viewed by, viewable and indeed viewed by readers  
11 and residents in the forum state.

12 18. The jankruska.com site as well as the  
13 petralunaunitednations.com sites also discussed the  
14 links between other co-Defendants in this cause and  
15 their "joint activities" regarding Plaintiff as well  
16 as provides details on how Defendant Ochoa and other  
17 co-Defendants cyberstalked Plaintiff. Indeed, this  
18 site even had a "Links" page linking to the other main  
19 co-Defendants websites in this case which posted the  
20 same factually false, defamatory and dangerous  
21 information on Plaintiff, one of which

22 (corporatesexoffenders Wiki Project) contained  
23 telephone numbers, date of birth, home address,  
24 hobbies, e-mail addresses, and photos of Plaintiff.

25 19. Defendant also falsely accuses Plaintiff of "having  
26 a Myspace page "in which I(sic) portray myself as a 17  
27 year old and have been trying to lure minors." SUCH IS  
28 FALSE! (See exhibits B)

1 20. In March of 2008, Defendant Ochoa went on National  
2 TV which was viewable by and indeed viewed by  
3 residents of the forum state. Here, Defendant Ochoa  
4 admits to "Harassing Plaintiff", admits to  
5 impersonating Plaintiff by being an "actress" and  
6 putting on a wig on the Jan Kruska.com website, and  
7 making false and defamatory statements on the  
8 jankruska.com website on a slide show which she stated  
9 were "a Joke". A video link to this interview can be  
10 viewed here:

11 <http://www.youtube.com/watch?v=2SIsAZ6GSmM>. Also see  
12 attached transcripts of the ABC News 20/20 segment of  
13 the show (exhibit D).

14 21. Defendant Ochoa then goes on to say Plaintiff is a  
15 "Pedophile" and that she "molested a boy". **Such is**  
16 **False!**

17 22. Again, Godaddy.com an Arizona company registered  
18 this domain name and hosted this website for over four  
19 months.

20 23. **It should be noted that in Defendant Ochoa's first**  
21 **motion to dismiss in which she challenged each**  
22 **individual merit of Plaintiffs complaint (NOT merely**  
23 **jurisdictional issues). Defendant Ochoa additionally**  
24 ***factually and materially falsely misrepresented very***  
25 ***important facts to this court*, one of which being,**  
26 **that she never called Plaintiff a Pedophile.**  
27 **Overwhelming evidence submitted to this court in**  
28 **exhibits B and D proves that the contrary is true and**  
**that Defendant Ochoa did do so on multiple occasions.**



1 Indeed, even in Defendant Ochoa's first Motion to  
2 Dismiss (doc. 17) she denies to this court that she  
3 ever call Plaintiff a pedophile. The facts are she did  
4 so MULTIPLE times, even on National Television!

5 24. Additionally, it is important to note the ABC NEWS  
6 20/20 transcripts from Defendant Ochoa's National  
7 television interview in which Defendant Ochoa, when  
8 questioned whether she published Plaintiff's address,  
9 stated "*I never published her address, my "associates"*  
10 *have published her address.*"

11 25. Misty Ann, Defendant Ochoa's "associate" known as  
12 the "Petra Luna MySpace Chief of Police" who resides  
13 in the forum state of Arizona did in fact publish  
14 Plaintiff's address right alongside the defamatory  
15 statements and portrayal of Plaintiff in a false light  
16 on her MySpace page, as did co-Defendants in this case  
17 Xavier Von Erck and Perverted Justice on their  
18 "Wikisposure" site which remains to this day. See  
19 exhibits.

20 26. Defendant Ochoa has also directed her "followers"  
21 and "affiliates" to "ATTACK" Plaintiff (a resident of  
22 the forum state at all times relevant), to call her,  
23 send her e-mails which she refers to as "love  
24 letters". Defendant Ochoa posted e-mail addresses,  
25 phone numbers and unauthorized use of copyrighted  
26 images of Plaintiff. Indeed, Plaintiff a resident of  
27 the forum state did in fact receive several e-mails  
28 under the direction of Defendant Ochoa from multiple

1 parties of Petra Luna's Army. See exhibits B  
2 especially from a "sergant albatross."

3 27. Defendant Ochoa instructed her followers to contact  
4 websites such as youtube.com and the American  
5 Chronicle where Plaintiff wrote numerous articles for  
6 (which were published on many of their affiliate  
7 sites) and even the bands she wrote reviews for,  
8 threatening them that if they did not remove all of  
9 Plaintiff's articles "they" would profile these  
10 companies as being "Pro-Pedophile" just as they had  
11 done to Plaintiff on over 52 websites Defendants' have  
12 made. See exhibits B.

13 28. The American Chronicle conceded. Many of the  
14 articles Plaintiff wrote for the American Chronicle  
15 were live band reviews and for which Plaintiff was  
16 generating business opportunities from Public  
17 Relations Firms for music bands. Plaintiff was forced  
18 under duress, extortion, harassment, fear and  
19 embarrassment to shut down her concert promotion  
20 website (property) rhythmnation.biz directly impacting  
21 interstate commerce due to the website being run out  
22 of the forum state and registered in the forum state  
23 through GoDaddy.com an Arizona company. Due to the  
24 fact that Defendant Ochoa posted this website address  
25 (www.rhythmnation.biz) with Plaintiff as the owner  
26 alongside the false and defamatory statements, and  
27 screenshots of the articles Plaintiff wrote, Plaintiff  
28 was forced to remove her website due to humiliation,  
embarrassment, and to minimize secondary damage to

1 third parties (i.e. bands Plaintiff was promoting and  
2 their public relations firms.) due to the despicable  
3 nature of the portrayal of Plaintiff in a false light.  
4 29. Defendant Ochoa posted online more threats and  
5 directed and her followers to contact the bands and  
6 she states she herself "tried to contact said bands"  
7 Plaintiff had written and photographed live - to tell  
8 them Plaintiff was a "pedophile" and "child molester."  
9 A blatant attempt at obstructing interstate commerce.  
10 Defendants information, maliciously portraying  
11 Plaintiff in a false light was viewable by and indeed  
12 viewed by members of the forum state as well as being  
13 posted on the websites registered through and hosted  
14 by an Arizona company and co-Defendant GoDaddy.com.  
15 Defendant Ochoa actions are comparable to what the  
16 "Don" of a mafia or organized crime and racketeering  
17 organization does. *See attached exhibits both here and*  
18 *in Plaintiff's first response filed February 29, 2008.*  
19 As such, Plaintiff has filed her claim under  
20 violations of R.I.C.O. in concert with her other  
21 claims of statutory violations. See section 1962(d)  
22 Conspiracies to violate R.I.C.O. *See Salinas v. United*  
23 *States, 522 U.S. 22, 63-64 (1997) which states "If*  
24 *conspirators have a plan which calls for some*  
25 *conspirators to perpetrate the crime and others to*  
26 *provide support, the supporters are as guilty as the*  
27 *perpetrators." Id. at 64. A conspirator must simply*  
28 *intend to further an endeavor which if completed,*  
*would satisfy all the elements of a R.I.C.O. claim.*

1  
2 To establish liability under any subsection of 1962, a  
3 Plaintiff must allege the existence of an enterprise  
4 (which Plaintiff has repeatedly done). An enterprise  
5 may be an illegitimate enterprise, such as a mafia  
6 family, or a wholly legitimate enterprise ("**Petra  
7 Luna's Army**" in the instant case), See United States  
8 v. Turkette, 452 U.S. 576, 580-81 (1981). Although an  
9 enterprise can be a legal entity, such as a  
10 partnership, corporation or association, it can also  
11 be an individual or simply a relatively loose knit  
12 group of people or legal entities. These latter groups  
13 are referred to as "association-in-fact" enterprises  
14 under the statute **18 U.S.C. § 1961 (4)**.

15  
16 30. Plaintiff sent Defendant Ochoa a cease and desist  
17 long before filing this suit. Sadly, Defendant Ochoa  
18 not only chose to ignore Plaintiff's request, but  
19 actually stepped up her attacks after receiving the  
20 cease and desist.

21 31. Several weeks after the filing of this complaint  
22 and after over four months of the jankruska.com and  
23 petralunaunitednations.com sites being up and running  
24 and targeted towards Plaintiff, a resident of the  
25 forum state and the forum state itself, a website  
26 which was in fact viewed by readers of the forum  
27 state, co-defendant GoDaddy.com the Arizona company  
28 who the domain names were registered through and

1 hosted by, was (presumably) finally removed due to  
2 multiple Terms of Service violations.

3 32. Defendant Ochoa and other co-Defendants quickly put  
4 up another page which stated "Dear Jan, we are moving  
5 overseas, we'll send you a postcard" and "we are sooo  
6 excited!" This can only serve as evidence of Defendant  
7 Ochoa's and her "affiliates" willful and malicious  
8 intent to continue harassing and stalking Plaintiff.

9 Defendant Ochoa would only move her website(s)  
10 overseas as an attempt to thwart the laws of the  
11 United States and those of American internet web  
12 hosting companies and make her identity and further  
13 involvement in this activity more difficult to track.

14 33. Defendant Ochoa recruits volunteers for her "army"  
15 from across the country, including the forum state.

16 Via the world wide web she can and does offer  
17 membership to readers in the forum state as well as a  
18 forum for residents of the forum state to sign up for  
19 her e-mail alerts )what Defendant Ochoa calls  
20 "petrasoldiersmail" and her MySpace Bulletins.

21 *See attached exhibits both here and in Plaintiff's*  
22 *first response filed February 29, 2008.*

23 34. Defendant Ochoa also sells music CD's. According to  
24 Defendant Ochoa's MySpace page, one of her songs made  
25 it to number one on the Christian pop charts. One can  
26 reasonably conclude that at least some of her cd's  
27 were purchased and or downloaded in the forum state,  
28

1 35. It has also been shown that at least one of her  
2 "army" affiliates "Misty Ann" resides in the forum  
3 state. (See attached Exhibit C.)

4 36. Since the court has ordered via the Order dated  
5 January 16, 2008 that absent Court approval, no party  
6 may seek discovery from any source before the parties  
7 have met and conferred as required by Fed. R. Civ.  
8 26(f) and (d), Plaintiff's hands are effectively tied  
9 as to discovery of any further contacts Defendant  
10 Ochoa has had or may have with the forum state other  
11 than those listed herein.

12 37. Due to the bulk of this case relating to internet  
13 and online activities, evidence risks being lost,  
14 deleted and/or modified. People can change their  
15 online identities to hide behind a cloak of anonymity  
16 in order to evade the laws and the courts. This bar on  
17 discovery is unfairly detrimental to Plaintiff's  
18 ability to gather evidence and that risk continues to  
19 grow with each day that passes.

20 38. Clearly Defendant Ochoa's business and internet  
21 related activities giving rise to this claim and her  
22 **multiple purposeful and continuous contacts with the**  
23 **forum state** were and are systematic and continuous in  
24 nature and adequately meet the "minimum contact rule"  
25 for being hailed into this court and making this  
26 jurisdiction proper.

27 39. See *The court in Bensusan v. King required "a*  
28 *discernable effort" to serve residents of the forum*  
*before it would exercise jurisdiction; however, this*

1 is not the norm. Most courts are quickly leaping over  
2 the analysis of the forum state's long arm statute by  
3 stating in straightforward terms that a World Wide Web  
4 site takes the business beyond its own state's  
5 boundaries and into the forum's. This is being done on  
6 the premise that the website's "presence" in the state  
7 gives rise to a tort, or simply that "advertising via  
8 the Internet is solicitation of a sufficient  
9 repetitive nature."

10 In cases where the nature of the action is related to  
11 the nature of the contacts specific jurisdiction  
12 applies. In order to satisfy the requirements of  
13 specific jurisdiction, a party's contacts with a  
14 forum state must be sufficient in quality and  
15 quantity - it must intend to do business in the forum  
16 and purposely avail itself of the privilege of doing  
17 business there.

18 40. Defendant Ochoa has easily met these criteria. A  
19 good example of this occurs in Maritz v. Cybergold,  
20 where the plaintiff, in asserting jurisdiction, not  
21 only relied on the fact that the website was  
22 accessible from Missouri, but also that the site  
23 provided a form to visitors by which they could have  
24 their e-mail address added to the defendant's mailing  
25 list. Such is also true of the  
26 petralunaunitednations.com website and Defendant's  
27 MySpace page.

28 Therefore, the court reasoned, Cybergold was not

1 simply and fortuitously available in the state, but  
2 rather was targeting Missouri residents and was  
3 thereby purposefully directing it's actions into the  
4 state.

5 The effects test of *Calder v. Jones*, 465 U.S. 783 (1984), which  
6 involves a similar analysis, first was utilized by the Third  
7 Circuit Court of Appeals in *Imo Industries, Inc. v. Kiekert AG*,  
8 155 F.3d. 254 (3d. Cir. 1998). The *Imo Industries* Court stated  
9 that a plaintiff attempting to establish jurisdiction under the  
10 effects test has the burden to show: "(1) The defendant  
11 committed an intentional tort; (2) The plaintiff felt the brunt  
12 of the harm in the forum such that the forum can be said to be  
13 the focal point of the harm suffered by the plaintiff as a  
14 result of that tort; (3) The defendant expressly aimed his  
15 tortious conduct at the forum such that the forum can be said to  
16 be the focal point of the tortious activity." *Id.* at 265-66  
(footnote omitted). **WHICH IS EXACTLY WHAT DEFENDANT OCHOA DID!**

17 The Court noted that *Calder* did not "carve out a special  
18 intentional torts exception to the traditional specific  
19 jurisdiction analysis, so that a plaintiff could always sue in  
20 his or her home state. . . . *Calder* requires more than a finding  
21 that the harm caused by the defendant's intentional tort is  
22 primarily felt within the forum." *Id.* at 265. To meet the  
23 requirement that a defendant's alleged tortious conduct be  
24 "expressly aimed" at the forum, typically there will have to  
25 have been some type of "entry" by defendant into the forum  
26 state. *Id.* (emphasis in original). Finally, a significant case  
27 that did not involve the Internet provided a standard to be  
28 followed when the publication activity in one state might be  
directed at another state. It is often cited by courts wrestling  
with today's complex Internet cases as authority about the



1 meaning of the "purposefully availed" standard. In Jones v.  
2 Calder [465 U.S.783 (1984)], actress Shirley Jones filed a  
3 defamation and emotional distress complaint in California  
4 against the National Inquirer, a magazine published and  
5 incorporated in Florida. The Inquirer claimed that the  
6 California court lacked personal jurisdiction over the  
7 publication and its employees because the article was written  
8 and published in Florida. The evidence indicated that the author  
9 of the article made a few telephone calls to California but  
10 never visited the state while writing his article. Over 600,000  
11 copies of the total Inquirer circulation of 6 million were sent  
12 to California. Then Associate Justice Rehnquist wrote that the  
13 story concerned a California resident, was drawn from California  
14 sources, the magazine had a large California circulation, and  
15 the focal point of both the story and the harm was California.  
16 He said that because the defamatory effects were expressly  
17 "directed" toward California, the Inquirer and its employees  
18 could "reasonably anticipate being haled into court there." The  
19 Supreme Court decided that the Inquirer had to go to California  
20 to defend the suit.

21 See, Panavision Int'l L.P. v. Toeppen, 141, F.3d 1316 (9th Cir.  
22 1998), Cybersell, Inc. v. Cybersell, Inc., 130 F.3d 414 (9<sup>th</sup>  
23 Cir. 1997), and Calder v. Jones, 456 U.S. 783 (1984).

24 The Appeals Court continued that "The effects test is employed  
25 when the harm allegedly suffered by plaintiff sounds in tort.  
26 ... Under this approach, the exercise of personal jurisdiction  
27 over an out-of-state defendant is proper if the defendant: 1)  
28 engaged in intentional actions; 2) expressly aimed at the forum  
state; 3) causing harm, the brunt of which is suffered - and  
which the defendant knows is likely to be suffered -- in the  
forum state. (Citations omitted.)

**AGAIN, DESCRIBING DEFENDANT OCHOA'S ACTIONS PERFECTLY. NOT ONLY**

1 **ARE/WERE HER ACTIONS INTENTIONAL, BUT OVERTLY SO!**

2 *The Appeals Court added that since the plaintiff, NHA, sued for*  
3 *defamation, which is a tort, the effects test should be applied.*  
4 *And, it then held that under this effects test the exercise of*  
5 *jurisdiction over the defendant, HG, is permissible.*

6 *Court decisions have generally defined the term "purposefully*  
7 *availed" as meaning that the evidence should establish an*  
8 *intentional interaction directed toward the forum state [ALS*  
9 *Scan v. Digital Consultants, Inc., 293 F.3d 707 (2002)]. If a*  
10 *defendant website operator intentionally targets his site to the*  
11 *forum state or knowingly conducts business with forum state*  
12 *residents by the Internet site, then the "purposeful availment"*  
13 *requirement would be satisfied.*

14 *This intentional targeting can also be established by combining*  
15 *Internet contacts with other, traditional business contacts with*  
16 *the state. According to the Pennsylvania case of Barrett v.*  
17 *Catacombs Press [44 F. Supp. 717 (1999)], even when the*  
18 *website's interactivity is not specifically and intentionally*  
19 *targeted at a forum state, the court can still exercise personal*  
20 *jurisdiction over a defendant if other related traditional non-*  
21 *internet contacts with the forum state exist, such as "Specific*  
22 *personal business trips to the forum state, telephone and fax*  
23 *communication directed to the forum state, purchase contracts*  
24 *with forum state residents, contracts that apply the law in the*  
25 *forum state, (NOTE) Defendant Ochoa's webhosting and*  
26  
27  
28

1 registration for TWO websites through GoDaddy.com an Arizona  
2 company (emphasis added) and advertisements in local  
3 newspapers."  
4

5 A court may exercise personal jurisdiction over a defendant  
6 where the defendant has "minimum contacts" with the forum "such  
7 that the maintenance of the suit does not offend traditional  
8 notions of fair play and substantial justice." International  
9 Shoe Co. v. Washington, 326 US 310, 316 (1945). These minimum  
10 contacts can give rise to either general or specific  
11 jurisdiction. LSI Industries Inc v. Hubbell Linghting Inc, 232  
12 F3d 1369, 1375 (Fed Cir 2000). General jurisdiction exists where  
13 a defendant maintains "continuous and systemic" ties with the  
14 forum state, even if those ties are unrelated to the cause of  
15 action. Id. (citing Helicopteros Nacionales de Columbia SA v  
16 Hall , 466 US 408, 414-16 (1984)). Specific jurisdiction exists  
17 where the claim "arise out of" or "relate to" the contacts with  
18 the forum, even if those contacts are "isolated or sporadic."  
19 Id. -- Mullally v Jones, 2:05-cv-00154-BES-GWF Sec. II (DNV Feb.  
20 28, 2007)  
21  
22  
23

24  
25 41. Plaintiff cited additional references and authorities  
26 in her Memorandum in Doc. 46 filed with this court which  
27 the Court somehow missed and in her Expedited MOTION for  
28 reconsideration in Doc.69. The court also appears to have

1 somehow missed the fact that Defendant Ochoa appears to  
2 have made factually false statements to this court in her  
3 first motion to dismiss already filed with this court.

4  
5 PRAYER FOR RELIEF

6  
7 I. Request For Preliminary Injunction

8  
9 A. Plaintiff has and will continue to suffer irreparable harm if  
10 Defendants are not enjoined during the pendency of this lawsuit  
11 from continuing to post on their websites claims that Plaintiff  
12 is a "Predator", "Pedophile", "Child Molester", and "Pro-  
13 pedophile"., etc along with the posting of her personal  
14 identifying information, address, phone numbers, Date of Birth,  
15 married and maiden names, etc.

16 B. There is a substantial likelihood that Plaintiff will prevail  
17 on the merits that:

- 18 1. she is not nor has ever been sexually aroused by pre-  
19 pubescent children.
- 20 2. That she does not condone or advocate for pedophilia.
- 21 3. That she has no child molestation conviction.
- 22 4. That she has no child abuse accusations or convictions.
- 23 5. That she is not a child sexual predator.
- 24 6. The harm that faces the Plaintiff outweighs the harm that  
25 would be sustained by the Defendants if the preliminary  
26 injunction were granted.
- 27 7. Issuance of a preliminary injunction would not adversely  
28 affect public interest because Plaintiff is not nor has ever  
been a pedophile, pro-pedophilia, a child abuser, or sexual

1 predator and Defendants should not be allowed with impunity to  
2 continue their unlawful acts.

3 8. Plaintiff asks the court to set her application for  
4 Preliminary Injunction for hearing at the ***earliest possible***  
5 ***time***, and after hearing the requests, issue the injunction  
6 against Defendants.

7  
8 **II. REQUEST FOR PERMANENT INJUNCTION**

9  
10 A. Plaintiff asks the court to set her application for  
11 injunctive relief for a full trial on the issues in this  
12 application, and, after the trial, issue a permanent injunction  
13 against Defendants.

14 **III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

15  
16 A. The allegations contained herein, above and below, are  
17 incorporated herein by reference as is set forth in full herein.

18 1. The Defendants have acted intentionally and recklessly in  
19 their activities stated above against Plaintiff.

20 2. The emotional distress suffered by the Plaintiff is severe.

21 3. The defendants' conduct is extreme and outrageous.

22 4. The Defendants' conduct proximately caused the Plaintiff's  
23 emotional distress.

24 5. The Defendants activities directly placed Plaintiff in  
25 reasonable fear for her life and that of her family's.

26 6. Plaintiff is entitled to Punitive and Special Damages

27  
28 **IV DEFAMATION**

1 A. The allegations contained above and below are incorporated  
2 herein by reference as is set forth in full herein.

3 1. The Defendants have published statements that Plaintiff is a  
4 "Child Molester", "Convicted Child Molester", "Convicted Child  
5 Abuser", a "Predator", a "Pedophile" and "Pro-Pedophile" on  
6 multiple websites and as bulletins and mass e-mails to third  
7 parties.

8 2. These statements are false.

9 3. These statements are defamatory.

10 4. With regard to the truth of the statements the Defendants are  
11 acting with actual malice, negligently and/or is liable without  
12 regard to fault (strict liability) due to the nature of the  
13 claims.

14 5. The Plaintiff suffered pecuniary injury.

15 6. Plaintiff is entitled to Punitive and Special Damages

16  
17 **V. VIOLATIONS OF R.I.C.O.**  
18

19 A. The allegations contained above and below are incorporated  
20 herein and by reference are set forth in full herein.

21 Plaintiff alleges a violation of her rights under title IX of  
22 the Organized Crime and Control Act of 1970, as amended, 18  
23 U.S.C. §§1961 et. Seq.

24 1. Defendants are enterprises and individuals engaged in and the  
25 activities of which affect interstate commerce, To wit:  
26 associations with their principal places of business crossing  
27 multi-jurisdictional lines, and are engaged in the use of the  
28 internet, telephone, and mails to further it's enterprises.

1 2. Defendants are persons within the meaning of 18 U.S.C § 1961  
2 (3) and as persons employed by and/or associated with said  
3 enterprises, conduct and participate directly and indirectly, in  
4 the conduct of the affairs of said enterprises and organizations  
5 through a pattern of racketeering activity in violation of 18  
6 U.S.C. § 1962(c.)

7 3. The predicate acts which constitute this pattern of  
8 racketeering activity are:

9 A. Sending mass e-mails, creating multiple webpages, blog pages,  
10 and internet bulletins accusing Plaintiff, among other things as  
11 being a "child Molester" and "pedophile."

12 B. Encouraging and directing their associates and the general  
13 public to post and repost said information, encouraging their  
14 associates and the general public to undertake other criminal  
15 acts against Plaintiff including e-mails to harass, trespassing,  
16 criminal damage to property and bodily harm to Plaintiff, etc,.

17 C. Encouraging and directing their associates, individuals, and  
18 the general public to contact and threaten business entities  
19 with which the Plaintiff has ties.

20 D. These acts occurred within ten years of one another and  
21 constitute a pattern of racketeering activity within the meaning  
22 of 18 U.S.C. § 1961 (5).

23 E. Plaintiff was injured in her business and/ or property by  
24 reason of 18 U.S.C. § 1962 in that as a direct proximate result  
25 of defendants complained of acts.

26 F. Plaintiff suffered damages including, but not limited to pain  
27 and suffering and other continuing damages.

28 G. By reason of the Defendants violation of 18 U.S.C. § 1962,  
Plaintiff is entitled pursuant to 18 U.S.C. 1964 (c) to

1 threefold the damages sustained, with interest thereon, and  
2 reasonable attorneys' fees in connection herewith.

3  
4 **VI. FEDERAL CYBERSTALKING AND CYBER HARASSMENT VIOLATIONS**

5 **FEDERAL CRIME AND TORT**

6  
7 A. The allegations contained above and below are incorporated  
8 herein and by reference are set forth in full herein.

9 1. Plaintiff alleges a violation of 18 U.S.C. & sect; 2261A(2).  
10 100. This statute makes it a Federal crime to stalk someone  
11 across state, tribal, or international lines, using regular  
12 mail, e-mail, or the internet (i.e. cyberstalking).

13 2. Cyberstalking is a tort to which Plaintiff is entitled to and  
14 requests actual, punitive, and special damages be awarded.

15 3. Defendants and each of them have directly and indirectly  
16 through incitement caused others and/or have themselves stated  
17 intent to kill or injure Plaintiff, and/or place the Plaintiff  
18 and her family members in fear of death and bodily injury.

19 4. Under 47 U.S.C 230 (b) (5) it is the POLICY of the United  
20 States to ensure vigorous enforcement of Federal criminal laws  
21 to deter and punish trafficking in obscenity, stalking, and  
22 harassment by means of a computer.

23 5. Plaintiff alleges defendants to have violated and be in  
24 violation of the above federal statutes.

25  
26 **VII. WILLFUL, INTENTIONAL AND ONGOING VIOLATIONS OF THE DMCA**

27 **(DIGITAL MILLENIUM COPYRIGHT ACT)**

28 A. The allegations contained above and below are incorporated  
herein and by reference are set forth in full herein.



- 1 1. Defendants are and have been in willful, repeated, ongoing  
2 violations of the Digital Millenium Copyright Act.
- 3 2. Defendants are knowingly, willingly, and illegally posting  
4 and reposting unauthorized copyrighted photographs of Plaintiff  
5 and excerpts of articles written my Plaintiff which are clearly  
6 protected by a copyright notice and warning prominently  
7 displayed on Plaintiff's website [www.operationawareness.com](http://www.operationawareness.com) on  
8 multiple duplicitous WebPages throughout the internet.
- 9 3. Additionally, Defendants have in certain instances illegally  
10 defaced and maliciously altered said copyrighted images.
- 11 4. Defendants have used these copyrighted images to defame,  
12 harass and intimidate Plaintiff.
- 13 5. Defendants where identified have been notified to cease and  
14 desist, yet ignore Plaintiff's requests. Illegal use of this  
15 material is being used to facilitate the above and below  
16 allegations set forth herein the complaint.
- 17 6. Plaintiff is entitled to and requests statutory and punitive  
18 awards.

19  
20 **VIII. PRIMA FACIE TORT**  
21

- 22 A. The allegations contained above and below are incorporated  
23 herein and by reference are set forth in full herein.
- 24 1. Defendants have acted with intent to injure Plaintiff and/or  
25 acted with the certainty that their conduct would necessarily  
26 result in injury to Plaintiff.
- 27 2. Plaintiff was injured as a proximate result of Defendants  
28 conduct and each of them, including pain and suffering, loss of

1 enjoyment of life, and other monetary and non-monetary damages  
2 that are continuous in nature.

3 3. Defendants and each of them acted without justification  
4 and/or without sufficient justification.

5 4. Defendants conduct was and is malicious, willful, reckless  
6 and/or in bad faith.

7 5. Plaintiff is entitled to and requests Pecuniary, Special and  
8 Punitive Damage awards.

9  
10 **CONCLUSION AND PRAYER FOR ADDITIONAL RELIEF**  
11

12 6. Wherefore Plaintiff requests the following relief:

13 A. A Preliminary injunction against Defendants prohibiting  
14 them from disseminating claims that Plaintiff is a  
15 "Predator", Child Molester", "Child Abuser", "Pedophile",  
16 and "Pro-Pedophile" by postings on the internet, mass  
17 mailings, e-mails to friends, relatives, employers,  
18 business associates, among others; or otherwise by any  
19 other means making such suggestions.

20 B. A permanent injunction against Defendants prohibiting the  
21 above conduct.

22 C. An award for damages for Plaintiff's lost earnings and  
23 earnings capacity.

24 D. An award of damages for pain and suffering.

25 E. An award of damages for loss of enjoyment of life.

26 F. Attorney's fees, if Plaintiff is appointed counsel or seeks  
27 leave to amend her complaint to add counsel, as allowed by  
28 law.

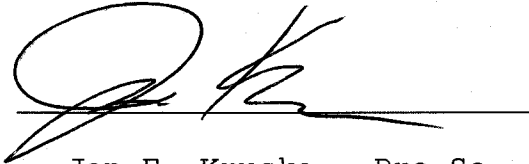
G. Pre-judgment and post-judgment interest as allowed by law.

- 1 H. Costs of this lawsuit as allowed by law.  
2 I. Punitive damages as allowed by law.  
3 J. Statutory Damages as allowed by law.  
4 K. For such further relief as the court deems appropriate.  
5 L. Remand and referral at the courts discretion for criminal  
6 investigation and prosecution of Defendants.

7  
8 **JURY TRIAL DEMANDED**

9  
10 Plaintiff asserts her rights under the seventh amendment to the  
11 Constitution of the United States, and demands in accordance  
12 with the Federal Rules of Civil Procedure 38, a trial by jury on  
13 all fact issues in dispute between parties.

14  
15 I, Jan E. Kruska, representing self, do hereby solemnly  
16 swear and affirm that the above is true and correct to the  
17 best of my knowledge. Respectfully submitted this 30<sup>th</sup> Day  
18 of June 2008.  
19  
20  
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22

23  
24 

25 Jan E. Kruska - Pro Se

26 4102 West Woodridge Drive

27 Glendale, AZ 85308

28 Phone: 602-579-8580

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**CERTIFICATE OF SERVICE**

I hereby solemnly swear and affirm that a TRUE and  
CORRECT COPY was mailed via first class mail to  
**Counsel for Defendant Barbara Ochoa at:**

Steven G. Ford w/Alvarez and Gilbert PLLC

14500 N. Northsight Blvd., Ste 216

Scottsdale, AZ 85260

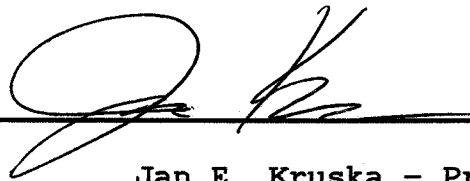
***Attorney for Barbara Ochoa***

An additional TRUE and CORRECT copy sent to Barbara Ochoa  
via first class mail at the following address:

Barbara Ochoa

P.O.Box 572641

Tarzana, CA 91357



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**Glendale, AZ 85308**

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