

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CVS 2791

LEONARD COLDWELL,

Plaintiff,

vs.

CONNIE SCHMIDT, TRENT
TOULOUSE, RATIONALWIKI.COM,
SALTYDROID.COM,
JASON MICHAEL JONES,
WHOIS.COM,

Defendants.

**DEFENDANT JASON MICHAEL
JONES' MOTION TO DISMISS FOR
LACK OF PERSONAL JURISDICTION**

Defendant Jason Michael Jones, *pro se*, hereby moves the Court to dismiss Plaintiff's Complaint based on a lack of personal jurisdiction pursuant to Rule 12(b)(2) of the North Carolina Rules of Civil Procedure. The grounds for this Motion are set forth more fully in the accompanying Memorandum in Support.

Respectfully submitted this 25th day of February, 2015.

By: _____

Jason M. Jones
1147 Hunter Avenue
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(312) 237-0275

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Defendants.

**MEMORANDUM IN SUPPORT OF
DEFENDANT’S MOTION TO DISMISS
FOR LACK OF PERSONAL
JURISDICTION**

Pursuant to Rule 12(b)(2) of the North Carolina Rules of Civil Procedure, Defendant Jason Michael Jones (“Jones”), *pro se*, submits this Memorandum in Support of his Motion to Dismiss for Lack of Personal Jurisdiction.

INTRODUCTION

In North Carolina, “[a] plaintiff bears the burden of establishing that some ground exists for the exercise of personal jurisdiction over a defendant.” *Jaeger v. Applied Analytical Indus. Deutschland GMBH*, 159 N.C. App. 167, 170 (2003). Plaintiff has pleaded no grounds for this court to exercise jurisdiction over Jones, because none exist.

FACTUAL BACKGROUND

Plaintiff Leonard Coldwell (“Plaintiff” or “Coldwell”) claims to be a doctor who has attended to over 35,000 patients and had a miraculous 92.3% cancer cure rate

(attached as Exhibit A to Affidavit of Jason Michael Jones). This case involves various Internet articles that criticize Plaintiff's bad actions and lack of legitimate credentialing, though no articles have been specifically cited in Plaintiff's Complaint.

Defendant Jones is a resident of Ohio and is the author of the fraud-exposing parody website *saltydroid.info* ("SaltyDroid"). Jones is not the owner of *saltydroid.com* via a Chinese proxy "straw man," or otherwise, as Plaintiff erroneously contends in his Complaint. *Affidavit* ¶ 3. SaltyDroid is published by Jones as a public service and is completely noncommercial in nature. *Affidavit* ¶ 8.

There are no advertisements displayed on SaltyDroid, as Plaintiff falsely claims in his Complaint. Readers cannot register on SaltyDroid; no database of users, or mailing list, is maintained. The site's only function is the worldwide publication of complex information in the form of highly stylized parody and satire.

Jones has no commercial or personal contact with the state of North Carolina, and Plaintiff has alleged none. *Affidavit* ¶ 4-5.

In September 2012, Jones, then a resident of Illinois, published an article on SaltyDroid exposing allegations that Coldwell is a serial sexual victimizer who convinces women they have illnesses that might be cured via participation in various sexual acts involving himself. The article referenced extensive notes from an investigation done by police in South Carolina.

In March 2014, Leonard Coldwell filed a frivolous lawsuit against Jones in Cook County, Illinois (attached as Exhibit B to Affidavit of Jason Michael Jones). The case was

dismissed for want of prosecution, but in his verified complaint Coldwell averred that “at all times relevant, Plaintiff, LEONARD COLDWELL, was a resident of Charleston County, South Carolina.” Plaintiff’s Complaint in the present action was Jones’ first notice that Coldwell was no longer domiciled in South Carolina.

ARGUMENT

In order for North Carolina courts to exert jurisdiction over a nonresident defendant: 1) the exercise must be authorized by North Carolina’s long-arm statute N.C. Gen. Stat. § 1-75.4, and 2) there must be sufficient minimum contacts between the nonresident defendant and the State “so that allowing the exercise of personal jurisdiction [will] not offend traditional notions of fair play and substantial justice.” *International Shoe Co. v. Washington*, 326 U.S. 310, 316, (1945).

Jurisdiction over Jones is not authorized by North Carolina’s long-arm statute, and would not satisfy the requirements of the Due Process Clause. There is no basis for this Court to exercise either general or specific jurisdiction. Defendant’s publishing of a noncommercial website has not opened him up to the jurisdiction of all fifty states.

I. NO BASIS FOR LONG-ARM JURISDICTION

Plaintiff’s Complaint does not argue which provision of North Carolina’s long-arm statute should confer upon this Court jurisdiction over Jones, but there would appear to be none that does.

Section 1-75(3) provides for personal jurisdiction “[i]n any action claiming injury to person or property,” but only for those “arising out of an act or omission within this State.” No actions in this case have occurred inside of North Carolina.

Section 1-75(4) provides for personal jurisdiction in situations where a foreign act causes a local injury, but only where one of three special conditions are met. Not only are none of those conditions met here, but Plaintiff’s injuries are not local to North Carolina. During the time in which the alleged harms occurred; Plaintiff was domiciled in South Carolina, and was holding himself out to be a resident of that State.

Section 1-75(1)(d) is the only provision of the North Carolina long-arm statute upon which Plaintiff might rely. North Carolina courts have read this provision to grant “the full jurisdictional powers permissible under federal due process.” *Skinner v. Preferred Credit*, 361 N.C. 114, 119 (2006). But federal due process requirements are not remotely satisfied here.

II. GENERAL JURISDICTION NOT PROPER

General jurisdiction exists when the nonresident defendant’s contacts with the forum state are not related to the cause of action but the defendant’s activities in the forum are sufficiently “continuous and systematic.” *Skinner*, 361 N.C. at 122. General jurisdiction requires a “significantly higher” level of contact with the forum state than

does specific jurisdiction. *Cambridge Homes of N.C., LP v. Hyundai Constr., Inc.*, 194 N.C. App. 407, 412, (2008)

The analysis here is simple: Jones has no contact with North Carolina, and there is no reasonable basis for Plaintiff to argue that North Carolina courts should have general jurisdiction over him.

III. SPECIFIC JURISDICTION NOT PROPER

Specific jurisdiction over nonresident defendants “exists when the cause of action arises from or is related to defendant’s contacts with the forum.” *Skinner*, 361 N.C. at 122. The minimum contacts inquiry is focused on, “the relationship among the defendant, the forum state, and the litigation ... but it is essential that there be some act by which the defendant purposefully avails himself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of the forum state’s laws.” *Buck v. Heavner*, 93 N.C. App. 142 (1989)

Again, the analysis is simple. This cause of action does not arise from Defendant Jones’ contacts with the forum because he has none. Writing Internet articles about South Carolina residents cannot be reasonably interpreted as “purposeful availment” in North Carolina.

IV. INTERNET-BASED JURISDICTION NOT PROPER

Plaintiff's Complaint seems to argue that everyone with a website has submitted themselves to the jurisdiction of this Court because, "each [Internet] statement constitutes a continuing publication with world-wide, 24/7 accessibility, including accessibility in Guilford County, North Carolina." *Complaint* ¶ 16. But both the Fourth Circuit and North Carolina courts have plainly ruled otherwise. "If we were to conclude as a general principle that a person's act of placing information on the Internet subjects that person to personal jurisdiction in each State in which the information is accessed, then the defense of personal jurisdiction, in the sense that a State has geographically limited judicial power, would no longer exist." *ALS Scan, Inc., v. Digital Service Consultants, Inc.*, 293 F.3d 707, 712 (4th Cir. 2002).

When considering questions of Internet-based personal jurisdiction, North Carolina courts have applied the sliding-scale model first announced by the Western District of Pennsylvania in, *Zippo Mfg. Co. v. Zippo Dot Com*, 952 F. Supp. 1119 (W.D. Pa. 1997). Under that model, "the likelihood that personal jurisdiction can be constitutionally exercised is directly proportionate to the nature and quality of the commercial activity that an entity conducts over the internet." *Id.* at 1124.

In jurisdictions that apply *Zippo's* sliding scale, "[a] passive [w]eb site that does little more than make information available to those who are interested in it is not

grounds for the exercise [of] personal jurisdiction.” *Id.* In *ALS Scan* the Fourth Circuit adopted and adapted the *Zippo* model to emphasize the requirement of *purposeful targeting* of the forum state, even for websites that would be characterized as “interactive” on the *Zippo* scale. *ALS Scan*, 293 F.3d at 713.

Applying *ALS Scan* to a case involving alleged Internet defamation, the Middle District of North Carolina explained that it “is well-settled in the Fourth Circuit that accessibility alone cannot establish personal jurisdiction. Rather, under *ALS Scan*, the defendant must *direct* activity into the forum state, with the *intent* to engage in business *within the state* (internal citations omitted).” *Burleson v. Tobak*, 391 F.Supp.2d 401, 414 (M.D.N.C. 2005) See also *Havey v. Valentine*, 172 N.C. App 812 (2005).

In *Young v. New Haven Advocate* a Virginia prison warden sued a Connecticut newspaper in Virginia for libel after receiving unflattering treatment in a series of stories, posted to the paper’s website, regarding Connecticut’s transfer of prisoners out of state. *Young v. New Haven Advocate*, 315 F.3d 256 (4th Cir. 2002). The district court found jurisdiction based on Young’s Virginia residency, but the Fourth Circuit applied *ALS Scan* and reversed, holding that “a court in Virginia cannot constitutionally exercise jurisdiction over the Connecticut-based newspaper defendants because they did not manifest an intent to aim their websites or the posted articles at a Virginia audience.” *Id.* at 258-59.

SaltyDroid is an unambiguously noncommercial site that falls squarely into the “passive” category of websites under the *Zippo* analysis. Content on SaltyDroid is not directed at any geographic area, but rather focuses on the unbound and amorphous world of Internet scams. The existence of the Internet has not overturned the last hundred years of jurisdictional jurisprudence. “[T]echnology cannot eviscerate the constitutional limits on a State's power to exercise jurisdiction over a defendant.” *ALS Scan*, 293 F.3d at 711. Publishing articles on SaltyDroid does not subject Jones to personal jurisdiction in North Carolina.

CONCLUSION

Jones will stipulate that both Plaintiff’s counsel and the Internet are present in Guilford County, North Carolina; but neither are a basis for jurisdiction. Plaintiff Leonard Coldwell’s frivolous Complaint is not grounded in law and should be dismissed for lack of personal jurisdiction pursuant to Rule 12(b)(2).

Respectfully submitted this 25th day of February, 2015.

By: _____

Jason M. Jones
1147 Hunter Avenue
Columbus, OH 43201
saltydroid@gmail.com
(312) 237-0275

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of this Motion to Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction and accompanying Affidavit and Memorandum in Support have been served upon:

William F. May
315-F Spring Garden Street
Greensboro, NC 27401

by electronic mail and by enclosing them into a properly addressed envelope, first class postage prepaid, and depositing the envelope in the United States Mail in Columbus, Ohio, on the 25th Day of February, 2015.

Jason M. Jones
1147 Hunter Avenue
Columbus, OH 43201
saltydroid@gmail.com
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GUILFORD COUNTY

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Defendants.

**AFFIDAVIT IN SUPPORT OF
DEFENDANT JONES' MOTION TO
DISMISS FOR LACK OF PERSONAL
JURISDICTION**

AFFIDAVIT OF JASON MICHAEL JONES

Defendant Jason Michael Jones on oath states:

1. I am a current resident of Columbus, Ohio.
2. In September 2012, I was a resident of Chicago, Illinois.
3. I am not now, and have never been, the owner of saltydroid.com.
4. I have never owned property in North Carolina, and have no family there.
5. I have never done business of any kind in North Carolina.
6. I do not believe that Leonard Coldwell can cure cancer as he claims (attached as Exhibit A).
7. Leonard Coldwell's last suit against me in Cook County, Illinois (attached as Exhibit B) was dismissed for want of prosecution.

8. My website saltydroid.info is noncommercial. No advertisements have ever been displayed on the site. No donations have ever been solicited or accepted.
9. I have never been paid to write an article, or to keep an article posted. I have never been paid for anything in conjunction with saltydroid.info.

By: _____

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Leonard Coldwell vs. Connie Schmidt, et al.
Case No. 15 CVS 2791

<http://www.drleonardcoldwellbio.com/#!cure-rate/c1m3p>

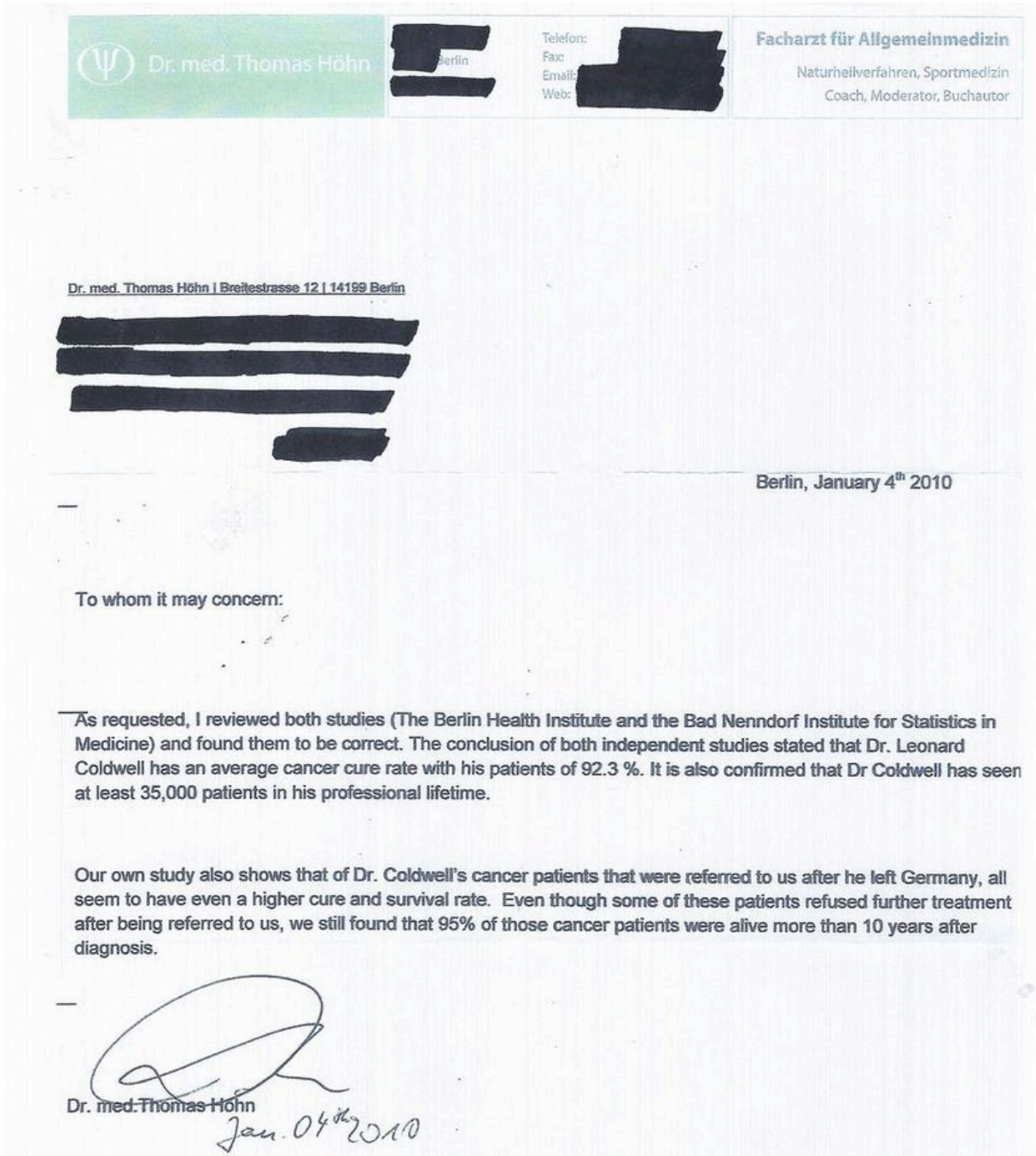


Exhibit A

Exhibit B

LAW

DIVISION



14-L-001337

COLDWELL LEONARD

- VS -

SHABAT OMRI

J 12616

LIBEL/SLANDER



2014

L O O 1 3 3 7

MISSION STATEMENT

The Office of the Clerk of the Circuit Court is to serve the citizens and the participants in the judicial system, efficiently and ethically. Information and court records will be maintained in a secure, accurate, timely and cost efficient manner.

VS.

NOTICE: Any person who knowingly and without lawful authority, alters, destroys, defaces, removes or conceals any document, evidence or exhibit that is part of the official court record commits a felony (720 ILCS 5/32-8).

Clerk of the Circuit Court
No Files to be taken out without leave of Court

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Attorney No. 12616

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

LEONARD COLDWELL,)
)
Plaintiff,)
)
v.)
)
OMRI SHABAT a/k/a)
JASON MICHAEL JONES,)
)
Defendant.)

Case No.

201400013357
CALLED BOARD ROOM
TIME 09:00
Libel/Slander

2014 FEB 10 AM 11:17
DOROTHY BROOKS
CLERK OF CIRCUIT COURT
LAW DIVISION
FILED-3

COMPLAINT AT LAW FOR DEFAMATION PER SE

NOW COMES the Plaintiff, LEONARD COLDWELL, by and through his attorney, Dennis J. Kellogg, and in support of the above-captioned complaint against Defendant, OMRI SHABAT a/k/a JASON MICHAEL JONES (hereinafter "JASON MICHAEL JONES"), and states as follows:

1. That at all times relevant, Plaintiff, LEONARD COLDWELL, was a resident of Charleston County, South Carolina.
2. That at all times relevant, Defendant, JASON MICHAEL JONES, was a resident of Cook County, Illinois, with his principal residence located at 1250 S. Michigan Ave., Chicago, IL 60605.
3. That Plaintiff, LEONARD COLDWELL is considered a public figure in the area of health law and is an author, lecturer, clinician, radio and TV personality and founder of the IBMS Instinct-Based Medicine System.
4. That Plaintiff, LEONARD COLDWELL, is board certified in the United States as a Dr.

of Naturopathic Medicine (NMD), has been awarded the honorary degree of Doctor of Humanities, and has various other certificates and academic achievements.

5. That Defendant, JASON MICHAEL JONES, writes blogs on two websites: "Salty Droid" (saltydroid.info) and "Glancing Web" (glancingweb.com).

6. That when Defendant, JASON MICHAEL JONES, writes blog posts on Glancing Web he writes under the alias OMRI SHABAT.

7. That the Defendant, JASON MICHAEL JONES, published to the internet population on Glancing Web, articles containing false and/or defamatory statements about the Plaintiff, LEONARD COLDWELL, including words imputing the commission of a criminal offense and words that impute the Plaintiff's lack of integrity in performing his duties and/or lack of ability in his profession, examples of which are set out by dates below:

a. That on February 18, 2013, Defendant, JASON MICHAEL JONES, published an article on his blog titled, "The Leonard Coldwell Song" in which he made the following statements (a copy of this document attached hereto as *Exhibit A*):

- i. That Plaintiff was a "rogue impostor";
- i. That Plaintiff was a "molesting fraud";
- ii. That Plaintiff was a "psychopath"; and
- iii. That Plaintiff was a "fake doctor."

b. That on February 28, 2013, Defendant, JASON MICHAEL JONES, published an article on his blog titled, "Rachele Brooke Smith Entanglement with Lunatic Coldwell" in which he made the following statements (a copy of this document attached hereto as *Exhibit B*):

- i. That Plaintiff was a "pseudo-healer";

- ii. That Plaintiff “fabricated four ‘doctor degrees’”;
 - iii. That Plaintiff is the “fakest doctor in the world”;
 - iv. That Plaintiff is a “psycho”; and
 - v. That Plaintiff’s IBMS system is a “scam.”
- c. That on March 27, 2013, Defendant, JASON MICHAEL JONES, published an article on his blog titled, “Gun Control Commentary by a Psychopath” in which he made the following statements (a copy of this document attached hereto as *Exhibit C*):

- i. That Plaintiff is a “molestation-connoisseur”;
- ii. That Plaintiff “pretends to heal” patients; and
- iii. That Plaintiff was a “quack.”

- d. That on April 8, 2013, Defendant, JASON MICHAEL JONES, published an article on his blog titled, “The Only Answer to Becoming a Desolation” in which he made the following statements (a copy of this document attached hereto as *Exhibit D*):

- i. That Plaintiff conducted “brainwash teleseminars”;
- ii. That Plaintiff committed “horrid crimes and felonies”;
- iii. That Plaintiff was a “fake doctor”;
- iv. That Plaintiff lead his own “con-cult”;
- v. That Plaintiff was “not a real doctor”; and
- vi. That Plaintiff “portrays himself as a doctor.”

8. As a proximate result of the foregoing defamatory statements by Defendant, JASON

MICHAEL JONES, Plaintiff, LEONARD COLDWELL, suffered injuries including injuries to his personal and professional reputation as well as significant economical damages to his business.

9. Furthermore, that while the Plaintiff, LEONARD COLDWELL, suffered actual harm to his reputation, the false and defamatory statements are so obviously and materially harmful that injury to his reputation may be presumed if not proven.

10. The foregoing defamatory statements were made by Defendant, JASON MICHAEL JONES, with the knowledge of their falsity and with actual malice, so as to justify an award of punitive damages in an amount in excess of \$300,000.00.

WHEREFORE, Plaintiff, LEONARD COLDWELL, demands judgment against Defendant, JASON MICHAEL JONES, for compensatory damages in an amount in excess of fifty-thousand dollars (\$50,000.00) and for exemplary damages in an amount that will serve to punish Defendant, JASON MICHAEL JONES, and deterred the Defendant from similar conduct.

Respectfully Submitted,


Dennis J. Kellogg, Attorney for Plaintiff

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