

1 Ted O. Lympus, District Judge  
2 Department No. 1  
3 Flathead County Justice Center  
4 920 South Main Street  
5 Kalispell, Montana 59901  
6 (406) 758-5669

COPY

7 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE  
8 STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

9 \* \* \* \* \*

10 DEVRA WEST,

11 Plaintiff,

12 -vs-

13 JOHN WATSON,

14 Defendant.

)  
)  
) CAUSE NO. DV-10-317A  
)  
)  
)

)  
) ORDER ON MOTION FOR  
) PRELIMINARY INJUNCTIONS  
)  
)

15 THIS CAUSE is before the Court on the Motion of Plaintiff  
16 Devra West for a Preliminary Injunction, preventing Defendant  
17 John Watson from continuing his efforts by way of Internet sites,  
18 blogging and other means to conduct a smear campaign of Plaintiff  
19 West. Plaintiff's application for a preliminary injunction was  
20 heard by the Court on July 23, 2010. The Court received  
21 testimony, and it has reviewed the exhibits in support of and  
22 against the application. The Court, thus being fully advised in  
23 the premises, now enters the following:

24 ORDER

25 Plaintiff's Motion for Preliminary Injunction is GRANTED and  
26 the scope of the injunction will be set forth below.

27 RATIONALE

28 Evidence and testimony established that Defendant initiated  
a campaign to impugn the name and personal and professional  
reputation of Plaintiff Devra West. It appears that Defendant  
was a former student of Devra West and for reasons unknown,  
Defendant believed that Ms. West owed him money. Defendant then  
began an intentional and concerted effort to smear Ms. West. The  
evidence and testimony established that Defendant attempted to  
contact persons, known and unknown to him, by posting on the  
internet, by e-mail contact, by letter contact, by use of blogs,  
by internet squatting and by frequent internet posts intended to

1 keep hits current and active on search engine sites. In these  
2 efforts, it appears that Defendant has violated and threatens to  
3 violate Plaintiff's rights, respecting the right to keep a good  
4 reputation and good name, with Plaintiff's reputation and good  
5 name being a part of the subject matter of this lawsuit. Thus,  
6 any ongoing action intended to affect reputation or good name  
7 tends to render any ultimate judgment ineffectual, when there is  
8 a present need to mitigate harm, especially when Defendant  
9 operates in a country other than the United States and where he  
10 has removed his activities from this country and from the  
11 jurisdiction of its laws.

12  
13 The following facts are established by the evidence and  
14 testimony obtained at the hearing:

15  
16 1. The words in the exhibits submitted by Plaintiff  
17 establish that Defendant has done everything within his power, by  
18 and through his website posts, and by contact with individuals  
19 known to him to be associated with Plaintiff, to cause as much  
20 grief to Plaintiff as Defendant can generate in an attempt to  
21 extort or extract money whereupon Defendant offers that he would  
22 cease and desist his campaign and activities.

23  
24 2. The smear campaign includes death threats which  
25 are not hidden as well as those which are implied and veiled.  
26 The campaign has expanded to include attacks on family members,  
27 friends, and business associates with no purpose other than to  
28 seek to coerce Plaintiff to pay Defendant to cease his  
activities.

1  
2 3. The Defendant, as a former student of Devra West,  
3 became disgruntled and believed that money was due to him.  
4 Although Defendant filed an action in Ravalli County, he was not  
5 content to wait for a resolution, but instead, he acted ex-  
6 judicially with ulterior motives to obtain money through his  
7 smear campaign, which is shown by his words, detailed in the  
8 various Exhibits. There is no demonstrable reason to denigrate  
9 Plaintiff and those close to her. Defendant even acknowledged in  
10 his post on the internet that he was expecting an injunction to  
11 be imposed against him, but he asserted that Plaintiff should pay  
12 money in exchange for closing his campaign and thereby bypass the  
13 court system. Clearly, this demand for money establishes the  
14 improper purpose of Defendant's activities.

15  
16 4. The words chosen by Defendant have been carefully  
17 reviewed by the Court. This Court finds the internet and e-mail  
18 posts to be mean-spirited and serve no good purpose, when all  
19 disputes, such as they are, are to be resolved by normal civil  
20 court proceedings. Instead, the Defendant, through his writings  
21 demonstrated to this Court that he wants to take up the concept  
22 of vigilante justice and generate money for himself.

1 The Court is satisfied that the statutory requirements of  
2 Section 27-19-201, M.C.A., are met and warrant the following  
preliminary injunction:

3 NOW THEREFORE, UNTIL FURTHER ORDER OF COURT, IT IS ORDERED:

4 1. Defendant is enjoined from any communication,  
5 directly or indirectly, that mentions Plaintiff by name or  
6 mentions any entity name associated with Plaintiff, or any name  
7 connected with Plaintiff's family, or any name of a person  
8 connected through friendship or business with Plaintiff,  
including assumed business names, acronyms, trade names, trade-  
marks and logos, all of which include any of the names of persons  
or entities or associations heretofore mentioned by Defendant in  
his website posts.

9 2. Defendant and any person acting with him or  
10 through him shall immediately close and shut down the websites  
11 maintained by or used by Defendant, and Defendant and his counsel  
12 shall provide proof from the webhosts that the websites are  
13 closed and cannot be contacted by any user of the internet, and  
14 that such user would view a non-existent page. Defendant and any  
15 person acting with him or through him, other than his counsel in  
16 this litigation, shall never contact, directly or indirectly, by  
17 any means of communication, including but not limited to letters,  
18 telephone calls, person-to-person conversations, e-mails, chat  
room exchanges, or in response to any inquiry, any person or  
entity who is associated with Plaintiff in a business, a  
friendship, or a family relationship by any means of  
communication, whatsoever. Should Defendant have permitted other  
websites to link to his website, then he and his counsel shall  
provide proof such links have been removed at Defendant's  
direction from the associated websites.

19 3. Defendant and any person acting with him or  
20 through him shall not activate or create a new website for any  
21 purpose connected or refer to, either directly or indirectly,  
Plaintiff, Mr. Geoff Reynolds, or any business, professional,  
family contact or friend of Plaintiff.

22 4. Defendant and any person acting with or through  
23 him shall not post to any website, blog, chat room, or other  
24 outlet hosted on the internet, any content, comment, or other  
25 communication referring to, either directly or indirectly,  
Plaintiff, Mr. Geoff Reynolds, or any business, professional,  
family contact or friend of Plaintiff.

26 5. Defendant and any person acting with or through  
27 him shall not post, directly or indirectly, to any website owned  
by other persons or entities or hosted by any server company.

28 6. Defendant, at his expense, shall cause the major  
search engine companies, Google, Yahoo, and Bing, to remove the  
cache from their sites associated with his postings, and

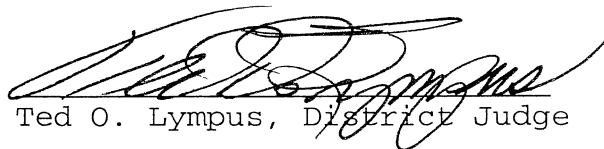
1 Defendant and his counsel shall provide proof from the said  
2 companies that the cache has been deleted and cannot be reached  
3 by any user of the internet.

4 7. Defendant is otherwise enjoined from making any  
5 private or public pronouncement or statement concerning Plaintiff  
6 or Plaintiff's business associates, friends, or family members.

7 8. Defendant's ability to speak about or to otherwise  
8 communicate with any third person about Plaintiff or any court  
9 proceeding, including this one, is enjoined, subject only to his  
10 right, through his attorneys, to obtain permission from this  
11 Court to speak or to communicate on any of the topics enjoined by  
12 this Order, with advance notice of a hearing on the issue, to be  
13 provided to Plaintiff's counsel.

14 9. Any violation of this injunction will potentially  
15 result in the issuance of a contempt citation, in which case  
16 should a violation be found to occur, monetary and/or incarceration  
17 penalties can be expected to be imposed.

18 Dated this 10<sup>th</sup> day of August, 2010.

19  
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21   
22 Ted O. Lympus, District Judge

23 c: James C. Bartlett, Esq.  
24 David M. McLean, Esq./ Ryan C. Willmore, Esq.  
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