

EXHIBIT "B"

067-270669-14

FILED
TARRANT COUNTY
6/16/2014 12:11:23 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 067-270669-14

JAMES MCGIBNEY, and	§	IN THE DISTRICT COURT
VIAVIEW, INC.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	OF TARRANT COUNTY, TEXAS
	§	
THOMAS RETZLAFF, LORA	§	
LUSHER, JENNIFER	§	
D'ALLESANDRO, NEAL RAUHAUSER	§	
MISSANNONEWS, JANE DOE 1,	§	
JANE DOE 2, JANE DOE 3,	§	
JANE DOE 4, AND JANE DOE 5,	§	
	§	
Defendants.	§	67TH JUDICIAL DISTRICT

**JAMES MCGIBNEY AND VIAVIEW, INC.'S RESPONSE TO
DEFENDANT NEAL RAUHAUSER'S JUNE 12, 2014 SUPPLEMENTAL REPLY TO
PLAINTIFFS' RESPONSE TO RAUHAUSER'S AMENDED MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, James McGibney and ViaView, Inc. (collectively Plaintiffs or McGibney and ViaView) and file this their Response to Defendant Neal Rauhauser's (Defendant or Rauhauser) Supplemental Reply to Plaintiffs' Response to Rauhauser's Amended Motion to Dismiss filed by Defendant on June 12, 2014. Plaintiffs request that the Court Deny all relief requested by Defendant and in support whereof would show the Court as follows:

Mr. Dorrell, Falsely Accuses Mr. McGibney of Making Statements He Did Not Make and Plaintiffs of Engaging In Conduct Which They Did Not Engage In

On June 12, 2014 Defendant Rauhauser filed his "Supplemental Reply to Plaintiffs' Response to Rauhauser's Amended Motion to Dismiss ("Supplemental Reply"). In his Supplemental Reply counsel for Defendant, Jeffrey L. Dorrell falsely accuses James McGibney of using the Twitter account "@CattyIdiot" to make defamatory statements about him and falsely accuses Mr. McGibney of threatening to damage Mr. Dorrell's law practice by locating and communicating with all of his clients. After making numerous false statements Mr. Dorrell absurdly asks the Court to "act decisively to protect Rauhauser from further abuse by plaintiffs." Mr. Dorrell then asserts that the statements he falsely attributes to Mr. McGibney and the

conduct which he falsely accuses Mr. McGibney and ViaView, Inc. of engaging in supports Defendant's absurd request for \$100,000.00 in attorney's fees and the imposition of a \$1,000,000.00 sanction ... on his contingent fee contract.

The Supplemental Reply signed and filed by Mr. Dorrell contains numerous false statements and falsely accuses Mr. McGibney of making statements he did not make and falsely accuses Mr. McGibney and ViaView, Inc. of engaging in conduct which they did not.

Set forth below is a summary of the false statements and accusations by Mr. Dorrell in the Supplemental Reply. Attached hereto and incorporated herein as Exhibit A is the Affidavit of James McGibney ("McGibney Affidavit") which demonstrates that Mr. Dorrell's statements and allegations are false.

- In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell falsely accuses Mr. McGibney and ViaView, Inc. of "launching a full frontal attack" on him. Neither Mr. McGibney nor ViaView have launched "a full frontal attack on Mr. Dorrell as he alleges in the Supplemental Reply he signed and filed. *See* Exhibit A, McGibney Affidavit at paragraph 5.
- In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell falsely states/implies that either Mr. McGibney or ViaView, Inc. stated that "If you defend SLAPP suits filed by McGibnesy and ViaView, you will become the target of the most vicious public attacks we are capable of launching." Neither Mr. McGibney nor ViaView, Inc. have made such a statement and no employee, agent or person or persons acting on behalf of or with Mr. McGibney or ViaView, Inc.'s authority has made this statement. *See* Exhibit A, McGibney Affidavit at paragraph 6.
- Mr. Dorrell falsely states in the Supplemental Reply signed and filed by him that Mr. McGibney and his agents have been using the Twitter account "@CattyIdiot". Mr. McGibney does not own, does not have access to, cannot log into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on Mr. McGibney's behalf or with his authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for Mr. McGibney, or his "agents" to use the Twitter account "@CattyIdiot" as Mr. Dorrell claims in the Supplemental Reply he signed and filed. *See* Exhibit A, McGibney Affidavit at paragraphs 7 and 8.

- Mr. Dorrell falsely states in the Supplemental Reply he signed and filed with the Court that “Using the Twitter account “@CattyIdiot,” McGibney and his agents then began widely alleging that Dorrell is a “monster” and a “violent pedophile” with “an insatiable appetite for young hairless boys”. Mr. McGibney does not own, does not have access to, cannot log into and cannot in any way control the Twitter account “@CattyIdiot”. No employee, agent or person or persons acting on Mr. McGibney’s behalf or with his authority owns, has access to, can log into or in any way control the Twitter account “@CattyIdiot”. It is therefore not possible for Mr. McGibney, or his “agents” to use the Twitter account “@CattyIdiot” to make the statements Mr. Dorrell is falsely attributing to Mr. McGibney. *See* Exhibit A, McGibney Affidavit at paragraph 9.
- Mr. Dorrell in the Supplemental Reply he signed and filed with the Court falsely states that Mr. McGibney used the Twitter account “@CattyIdiot,” to announce his “intent to damage Dorrell’s law practice by ‘locating and communicating with each one of his clients’ to tell them of ‘all the rumors and hearsay’ he has gleaned.” Mr. McGibney does not own, does not have access to, cannot log into and cannot in any way control the Twitter account “@CattyIdiot”. No employee, agent or person or persons acting on Mr. McGibney’s behalf or with his authority owns, has access to, can log into or in any way control the Twitter account “@CattyIdiot”. It is therefore not possible for Mr. McGibney, or his “agents” to use the Twitter account “@CattyIdiot” to make the statements Mr. Dorrell is falsely attributing to Mr. McGibney. Mr. Dorrell’s statement that Mr. McGibney has announced his intent to damage his law practice by locating and communicating with each of his clients is false. Mr. Dorrell’s statement that Mr. McGibney intends to damage his law practice by locating and communicating with each of his clients is false. *See* Exhibit A, McGibney Affidavit at paragraph 10.
- “Mr. Dorrell falsely states in the Supplemental Reply he signed and filed with the Court that using the Twitter account “@CattyIdiot” Mr. McGibney made/posted/tweeted the following:

“I mean the fact that #Dorrell may or may not be a pedo isn’t really important ... what is important is that we tell all his clients that he is.”

and,

“You guys [Rauhauser] wanted to play and Jeffrey Dorrell has endorsed your behavior by representing you... So I guess it’s time for me to accurately report all the rumors and hearsay I am told each and every day by my millions of followers with regard to that great First Amendment attorney Jeffrey Dorrell... who just also happens to be rumored to be a violent pedophile with an insatiable appetite for young hairless boys...[T]hat monster Dorrell needs to be stopped, and if that involves identifying, locating and communicating with each one of his clients and partners and their families (since they likely all have children), then that is what I (we) will do.”

Mr. McGibney does not own, does not have access to, cannot log into and cannot in any way control the Twitter account “@CattyIdiot”. No employee, agent or person or persons acting on Mr. McGibney’s behalf or with his authority owns, has access to, can log into or in any way control the Twitter account “@CattyIdiot”. It is therefore not possible for Mr. McGibney, or his “agents” to use the Twitter account “@CattyIdiot” to make the above statements as Mr. Dorrell alleges in the Supplemental Reply he signed and filed. *See* Exhibit A, McGibney Affidavit at paragraph 11.

WHEREFORE, James McGibney and ViaView, Inc. respectfully request that the Court deny all relief requested by Defendant and grant them such other and further relief to which they may be justly entitled at law or in equity.

Respectfully submitted,

/s/ Paul F. Gianni

Paul F. Gianni
State Bar No. 00784124

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**ATTORNEY FOR JAMES MCGIBNEY AND VIAVIEW,
INC.**

CERTIFICATE OF SERVICE

This is to certify that on this 16th day of June, 2014 a true and correct copy of the foregoing was served in the manner indicated below on the following:

John S. Morgan
Texas State Bar No. 14447475
MORGAN LAW FIRM
2175 North Street, Suite 101
Beaumont, TX 77701
Email: jmorgan@jsmorganlaw.com

- CERTIFIED MAIL/RETURN RECEIPT REQUESTED
- TELECOPY
- FEDERAL EXPRESS/EXPRESS MAIL
- COURIER/RECEIPTED DELIVERY
- HAND DELIVERY (IN PERSON)
- REGULAR MAIL
- E-SERVICE

Jeffrey L. Dorrell
Philip A. Meyer
HANSZEN & LAPORTE
11767 Katy Freeway, Suite 850
Houston, TX 77079
Email: jdorrell@hanszenlaporte.com
Email: pmeyer@hanszenlaporte.com
Attorneys for Defendant Neal Rauhauser

- CERTIFIED MAIL/RETURN RECEIPT REQUESTED
- TELECOPY
- FEDERAL EXPRESS/EXPRESS MAIL
- COURIER/RECEIPTED DELIVERY
- HAND DELIVERY (IN PERSON)
- REGULAR MAIL
- E-SERVICE

/s/ Paul F. Gianni
Paul F. Gianni

CAUSE NO. 067-270669-14

EXHIBIT "A" to

**JAMES MCGIBNEY AND VIAVIEW, INC.'S RESPONSE TO
DEFENDANT NEAL RAUHAUSER'S JUNE 12, 2014 SUPPLEMENTAL REPLY TO
PLAINTIFFS' RESPONSE TO RAUHAUSER'S AMENDED MOTION TO DISMISS**

AFFIDAVIT OF JAMES MCGIBNEY

4. "In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell makes false statements and falsely accuses me of making statements which I did not make.
5. "In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell falsely accuses me and ViaView, Inc. of "launching a full frontal attack" on him. Neither I nor ViaView have launched "a full frontal attack on Mr. Dorrell as he alleges in the Supplemental Reply he signed and filed.
6. "In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell falsely states/implies that either I or ViaView, Inc. stated that "If you defend SLAPP suits filed by McGibnesy and ViaView, you will become the target of the most vicious public attacks we are capable of launching." Neither I nor ViaView, Inc. have made such a statement and no employee, agent or person or persons acting on behalf of or with my or ViaView, Inc.'s authority has made this statement.
7. "Mr. Dorrell falsely states in the Supplemental Reply signed and filed by him that I and my "agents" have used the Twitter account "@CattyIdiot" to make allegations regarding Mr. Dorrell.
8. "Mr. Dorrell falsely states in the Supplemental Reply signed and filed by him that I and my agents have been using the Twitter account "@CattyIdiot". I do not own, do not have access to, cannot log into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" as Mr. Dorrell claims in the Supplemental Reply he signed and filed.
9. Mr. Dorrell falsely states in the Supplemental Reply he signed and filed with the Court that "Using the Twitter account "@CattyIdiot," McGibney and his agents then began widely alleging that Dorrell is a "monster" and a "violent pedophile" with "an insatiable appetite for young hairless boys"". As stated above I do not own, do not have access to, cannot log into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" to make the statements Mr. Dorrell is falsely attributing to me.
10. "Mr. Dorrell in the Supplemental Reply he signed and filed with the Court falsely states that I used the Twitter account "@CattyIdiot," to announce my "intent to damage Dorrell's law practice by 'locating and communicating with each one of his clients' to tell them of 'all the rumors and hearsay' he has gleaned.". As stated above I do not own, do not have access to, cannot log

into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" to make the statements Mr. Dorrell is falsely attributing to me. Mr. Dorrell's statement that I have announced my intent to damage his law practice by locating and communicating with each of his clients is false. Mr. Dorrell's statement that I intend to damage his law practice by locating and communicating with each of his clients is false.

11. "Mr. Dorrell falsely states in the Supplemental Reply he signed and filed with the Court that using the Twitter account "@CattyIdiot" I made/posted/tweeted the following:

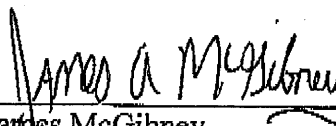
"I mean the fact that #Dorrell may or may not be a pedo isn't really important ... what is important is that we tell all his clients that he is."

and,

"You guys [Rauhauser] wanted to play and Jeffrey Dorrell has endorsed your behavior by representing you... So I guess it's time for me to accurately report all the rumors and hearsay I am told each and every day by my millions of followers with regard to that great First Amendment attorney Jeffrey Dorrell... who just also happens to be rumored to be a violent pedophile with an insatiable appetite for young hairless boys...[T]hat monster Dorrell needs to be stopped, and if that involves identifying, locating and communicating with each one of his clients and partners and their families (since they likely all have children), that that is what I (we) will do."

As stated above I do not own, do not have access to, cannot log into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" to make the above statements as Mr. Dorrell alleges in the Supplemental Reply he signed and filed.

FURTHER AFFIANT SAYETH NAUGHT.


James McGibney

SUBSCRIBED AND SWORN TO BEFORE ME by the said McGibney on this ____ day of June, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

State of California

County of Santa Clara

Subscribed and sworn to (or affirmed) before me on this 13th day of June 2014 by James McGibney

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Sarah Madriz
Signature

(Notary seal)

