

Crystal L. Cox
406-270-4046
Crystal@CrystalCox.com

Pro Se
Crystal L. Cox

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Portland Division

OBSIDIAN FINANCE GROUP, LLC and
KEVIN D. PADRICK,

Civil No. CV 11-0057 HA

Counter Defendants ,

V. Response To Kevin Padrick, Obsidian Finance LLC
Complaint

Counter Plaintiff
Crystal L. Cox

Crystal Cox, Counter Plaintiff Lawsuit Response to :

United States District Court
District of Oregon
Portland Division Counter Complaint

Counter Defendants Obsidian Finance Group, LLC and Kevin D. Padrick

v. Crystal Cox, Counter Plaintiff

Objection to Motion to Dismiss Counterclaims.
Objection to Summary Judgement on My Counter Complaint against David Aman, Tonkon Torp,
Kevin Padrick and Others.

Regarding: MEMORANDUM to Object to MOTION TO DISMISS OR ALTERNAIVE
MOTION FOR SUMMARY JUDGMENT

Defendant, Myself, Objects to Plaintiff, Counter Defendants Move to Dismiss Defendants,

Counter Plaintiffs counterclaims.

I believe I do have plausible claim and am entitled to be compensated for my time, harassment, and the damage done to my career, livelihood, and endangering my life.

Counter Plaintiff, Crystal L. Cox, Myself Objects to a Summary Judgment in favor of Defendant as I have been Defamed, Harassed, and feel my life has been endangered.

I object on the ground that David Aman, nor Kevin Padrick Obsidian Finance Counter Defendants have Absolute Privilege to Harass Me, Lie about me in Federal Documents, talk on the phone with my client and actively harass me to the point of losing credibility for what I now make a living at, Investigative Blogging.

David Aman, Falsely Claims he attempted to contact me in Good Faith to discuss these issues. David Aman did not call my phone that I know of and the email David Aman sent was in my Spam folder for one day, and I was working that day, by the time I got the email not even 24 hours later there was a motion to dismiss filed with this court.

This is Harassing, just as the False Claim to this same court that I Refused his Settlement Proposal that he claimed to the court the Day before I actually sent the email saying I did not want to take his offer of taking my intellectual property and making me say I was guilty. David Aman is lying to a federal court and harassing me.

I. Regarding Material Factual Allegations

I fully believe all that I have Claimed is Material Fact and that Kevin Padrick and David Aman have harmed me financially and put me in danger. I lost a large monthly income due to the "claims" of the Counter Defendant, I lost a job with an Internet Marketing Client due to phone calls and emails to this party and information put out that followed.

I Fully Believe there is Issue of Material Fact.

Oregon's Retraction Statute, ORS 30.150-30.175 applies to this as David Aman did not ask me to retract that post, and yet is harassing me over it, I am entitled to be compensated for this harassment.

" Apple v. Does

In May 2006, a California state appeals court ruled in favor of the Electronic Frontier Foundation's petition on behalf of three online journalists, holding that the online journalists have the same right to protect the confidentiality of their sources as offline reporters do. "

Source of Full Document

<https://www.eff.org/cases/apple-v-does/>

David Aman harassing me for sources, is not based in law.

Oregon Shield Laws (ORS 260.532,) Apply to me and therefore I am Defamed and Harassed.

The Material Alleged Fact that Plaintiff is Now Suing Me on, the Exact Blog Post was not in David Aman's First Complaint, nor did David Aman Ask for this Post to be Retracted. Now I am sued for it, this is harassing and has cost me time, money, and jobs.

III. I Object to David Aman Tonkon Torp Claiming Defendants' Counterclaims should be dismissed.

I Fully Believe that Plaintiff Kevin Padrick did Conspire to harm me. I have reason to believe that Kevin Padrick is in contact with a man who threatened to kill me in Montana (Sean Boushie), a Man who threatened my life over exposed hundreds of millions in fraud he was guilty of (William Lenhard), in contact with an admitted rapist that use to work for me (Gary Crandall) and he had a hate blog wishing me physical harm and I have reason to believe Plaintiff is in contact with a man who drugged me, in attempt to rape me in Colorado (Ed Humphrey). This information will all come out in trial, and Kevin Padrick conspiring with these men has put me under extreme diress and more threats from all of them.

I Fully Believe that Counter Defendant, Plaintiff had acted in Conspiracy to ruin my livelihood and endanger my life.

I Object in Regard to Counter Defendants, David Aman, Tonkon Torp Claims I should Not be given "leave to replead" EVEN though David Aman, on Behalf of Plaintiff did not "plead" this exact blog post in his original complaint and is now wasting the courts time on this defamation lawsuit knowing full well that I am not the source of the information.

David Aman did not have the post he is suing me on in his original complaint and yet seemed to replead in adding this later in his motions, yet harassing wants to deny me the same right.

I Believe there is Evidence that the Counter Defendants was involved in a Conspiracy..

B. On the Harassment Claim

Counter Defendants have Harassed me, and have subjected me to harassment by others they have conspired with. Counter Defendants have selectively prosecuted me in that the blog post was from a source, and I linked to my source site for more information.

Counter Defendants David Aman Tonkon Torp, Kevin Padrick Obsidian Finance know I have sources to posts I make, they know others blogged on the Summit 1031 bankruptcy and these links are but a few of other sites saying "Similar" and yet they sue only me. They know the blog post was not based on something made up by me, this proven in their discovery requests.

Just as they Sued Lynn Hoffman to Silence her, because she would not tell them what they wanted to here.

David Aman Tonkon Torp, Kevin Padrick Obsidian Finance. Counter Defendants David Aman and Kevin Padrick have a history of suing people in the Summit Bankruptcy to alter, control or

silence information and transparency.

Links to other Blogs having documentation of these numbers, and suspected tax fraud, bankruptcy corruption, when I use these sites from a qualified insider as my source and David Aman Tonkon Torp sues only me, knowing I had a source, this is Harassment and Selective Prosecution.

Other Sites on the Details of the Summit 1031 Bankruptcy showing numbers, documents, and inside information. Deep in these blogs are documents, numbers and information.

<http://www.bendoregonnews.net/>

<http://www.summit1031bkjustice.com/>

This Blog is my Main Source and the Blog Post that David Aman, Tonkon Torp is suing me over has this blog linked at the bottom for more information. Yet David Aman is Singling me out and harassing me.

Counter Plaintiff, me, alleges that David Aman Tonkon Torp violated Due Process in that fact that he never brought up anything in his Original Complaint about Bankruptcy Corruption.com and Violated my Rights to Due Process of Notice, this is another grounds for Harassment. Counter Defendants has discriminated against Counter Plaintiff in the media exposure of the Summit 1031 Bankruptcy. As there were many other news sources and blogs that talked of these same issues and as linked in this document one in particular which I linked from that blog post.

C. On the Claim of Defamation

David Aman, Tonkon Torp, and Obsidian Finance have defamed me, Have conspired with my ex employees, a man that drugged me and tried to rape me, a many that threatened to kill me, a white collar criminal and others.

In Regard to "plaintiffs are protected by an absolute privilege from defamation liability in filing and pursuing this lawsuit." Plaintiff, Counter Defendants have in the course of this lawsuit conspired with... and defamed me via phone calls, and emails .. records should prove.. tips told to me..

Filing this lawsuit is defamation in essence, by way of excusing me of extortion and .. raising question among those who would hire me..

I have lost actual jobs and will bring this proof to trial.

It is More then "Alleged" Defamation

I write on High Profile Bankruptcy cases now, and many send me tips and information. It does matter a great deal to my reputation

I have written on and received insider tips from high profile bankruptcies such as Tom Petters Bankruptcy, Terrastar Bankruptcy, Loral Space, Enron, WR Grace, Tim Blixseth and more.

I have every reason to believe that Kevin Padrick was involved in activities that Violated the U.S. Bankruptcy Code.

I did not make the Motion Correct apparently to use Anti-Slapp Laws as a defense, I am Pro Se, never did this before still Anti-Slapp Laws, Shield Laws and Retraction Laws do apply to me.

David Aman, Tonkon Torp for Kevin Padrick Obsidian Finance Group is suing Me, knowing full well that I am not the source of any documentation that has numbers, facts, or tax information that would allude to possible tax fraud or bankruptcy corruption.

This was a quote from a Post I posted in Sept. of 2009 and Stephanie DeYoung Reposted in Stephanie DeYoungs blog around that same time.

"I believe that Kevin Padrick reached a level of Corruption of greed that is unstoppable by any Law, any Judicial System and he knows full well that he is above the law. Kevin Padrick or Obsidian Finance along with David Aman of Tonkon Torp, has successfully backed down the only TRUE spokesperson the Creditors had? As Stephanie Studebaker DeYoung backs off on the fight of millions of dollars in over payment to attorneys who did NOT earn the money."

My Original Post

<http://www.ethicscomplaint.com/2009/09/kevin-padrick-cartel-obsidian-finance.html>

Stephanie DeYoung's Repost and link to Full Post

<http://www.summit1031bkjustice.com/?p=2464>

The Point: It had been near two years and Obsidian Finance, Kevin Padrick and Tonkon Torp knew that I accused or thought that Kevin Padrick was engaging in corruption. So why sue me now, and why me as I am not the source of the information? It is selective prosecution.

The Source of that Exact Post is a Known Fact, they have known for near 2 years so suing me now is harassing. Information on source of blog post I am accused of defamation in, though I link to source site at bottom of post.

The Exact Post I am Sued on is from Stephanie DeYoung's Blog, and the ad lib is mine. Here are links to where I got information for that post, as in the bottom of my post I link to

1. <http://www.summit1031bkjustice.com/?p=2947>

2. Mark Neuman Deposition Pg 95 "I guess the other thing was -- Kevin -- Kevin led us to believe that he was bringing financial -- he had these financial partners with deep pockets, and that he could do -- bring in some money in the interim. That was the last we ever heard of it." <http://www.summit1031bkjustice.com/?p=2650>

3. <http://www.summit1031bkjustice.com/?p=2716>

Around 12/7/08 -- Kevin Padrick meets with Summit Principals -- Well yes they did. Kevin Padrick was recommended to one of the Principals by a Bend Developer as a guy who could help solve Summit's problems. You see **Kevin Padrick** met with the Summit principals in early December 2008. By talking with the Summit Principals about this meeting, it looks like Kevin was more than willing to help them with their liquidity crisis. Kevin Padrick said his company, Obsidian Finance Group, LLC, specialized in helping save distressed businesses like Summit

Accommodators, Inc. Good news right?

Kevin Padrick said he had financial partners with DEEP POCKETS who would help fund the short-term liquidity issues. At this meeting, Summit Principals explained the business of short-term lending, told Kevin Padrick about the properties they were willing to hand over and about the \$14 Million of cash that was in the Summit bank account. At no time during this meeting did Kevin Padrick even mention the words fraud, ponzi scheme, embezzlement, or illegal.

12/19/08 – end of December 2008 – Summit Principals gathered all the information and willingly gave it to there supposed saviors, Obsidian Finance Group. *Ewan Rose, said thanks, we will get you our proposal within the week. No proposal was ever delivered.*

Early February – Kevin Padrick makes a presentation to the Creditors' Committee. What? Thought they were supposed to be getting the proposal to the CRO and Principals, NOT the creditors??? Jeez this stuff is so confusing.

4. <http://www.summit1031bkjustice.com/?p=2439>
5. <http://www.summit1031bkjustice.com/?p=2415>
6. http://www.summit1031bkjustice.com/?page_id=2682 -

Why hasn't he released it when holding the Summit Principals' Interests' will cost the Bankruptcy estate \$200,000? See the calculations(Exhibit F9). *****

7. <http://www.summit1031bankruptcy.com/2010/08/1s-kevin-padrick-avoiding-taxes.html>
 8. <http://www.summit1031bkjustice.com/?p=2852>
- Summit 1031 Assets on 12/19/08 (Time of Filing Chapter 11 – Debtor In Possession Bankruptcy)

<u>Cash</u>	<u>\$14 Million</u>
<u>Bond</u>	<u>\$10 Million</u>
<u>E&O</u>	<u>\$3 Million</u>
<u>Note Receivable Steve White</u>	<u>\$1.2 Million</u>
Notes Secured by Real Property and Summit Principal Real Property Investments	<u>\$11.5 Million</u>
Summit Principal Interests' In Business Interest	<u>\$1 Million</u>

All from Stephanie DeYoung's Blog and David Aman, Tonkon Torp LLP and Kevin Padrick Obsidian Finance Know this, therefore harassment. Its NOT my Words, not the facts only the adlib.

David Aman, Tonkon Torp LLP and Kevin Padrick Obsidian Finance Counter Defendants have cause me Defamation due to accusing me of extortion in a federal lawsuit and claiming I knowingly and falsely LIED when I did not. I have solid reason to believe that Kevin Padrick was involved in Bankruptcy Fraud and Tax Fraud. My posts were from a source in which I mentioned on that post.

I fully believe that Kevin Padrick, Counter Defendants has Communicated with a man that has threatened my life.

And since this lawsuit in the Spring of 2011 I believe, on information and knowledge that both David Aman and Kevin Padrick have spoke with a man that has threatened my life.

Also on that Topic, there is Proof of this man having access to an email account that made serious threats to me, and proof of this man's continued hatred of me and participation in hate crimes, discrimination against my Sexuality. If Sean Boushie is to be a Witness brought in by David Aman, I Demand Police Protection that day, as I fear my life from him and this is to be taken seriously.

Counter Defendants have engaged in conduct constituting a felony that has as an element of threatened use of physical force against property or against the person of another in violation of the laws of the United States and State Law, and under circumstances strongly corroborative of that intent, solicited, commanded, induced, and endeavored to persuade other persons to engage in such conduct.

Counter Defendants has discriminated against Counter Plaintiff in the media exposure of the Summit 1031 Bankruptcy.

The Post David Aman, Tonkon Torp LLP is now Suing me on for Defamation is not in the Original Complaint as far as I noticed, nor is the David Aman, Tonkon Torp LLP is now Suing me on for Defamation, in the Original Cease and Desist Letter That Tonkon Torp Attorney David Aman eMailed to me December 22nd 2010.

In the original complaint David Aman, Tonkon Torp Law Firm, On Behalf of Kevin Padrick, Obsidian Finance Group Said that what I wrote on my Blogs caused Kevin Padrick, Obsidian Finance to Lose 10 Million in Revenue.

So if that is Fact, Provable Fact, then why is this post now the reason for the Alleged Job Loss ? When David Aman Said the Jobs were lost over those 8 reasons in his original complaint.

Do Retraction Statutes Apply in the Case ? If David Aman never Asked for a Retraction, can David Aman Sue me for a Retraction or Just for the Damages I Allegedly Caused, knowing full well that I DO Not have 10 Million Dollars Laying around ???

David Aman knowing I have no money is further harassment, as this is very time consuming and an unnecessary wast of the courts time.

Links to other Sites and Posts that talk derogatory or accusingly of Obsidian Finance and Yet I am "Selectively Prosecuted" as ONE Blogger in a 10 Million Defamation Lawsuit when the information came from many sources, documents, and my belief that bankruptcy corruption oc

It is Fact that I, Crystal L. Cox Counter Plaintiff was Discriminated Against and Singled Out.

<http://www.complaintsboard.com/complaints/legal-amp-liquidation-services-c225684.html>

<http://www.summit1031bkjustice.com/> (Which David Aman and Kevin Padrick no is my main source, reading this in depth and related documents, yet they single me out to Sue)

<http://juniper-ridge-info.blogspot.com/2008/12/flash-summit-1031-bankruptcy-petition.html>

David Aman says this Document is Somehow protected in Defamation Law, so that seems to mean David Aman can say what ever he wants about me and get it into a public record whether true or not. This Public Record who all can find searching my name, Does Defame me based on harassing lies, discrimination and selective prosecution of me when the information of a factual nature is not something I Made Up and David Aman Knows this.

If David Aman's claim of the court documents being protected then I can file anything I want with the courts and regardless of any base in fact it will go live on the Internet for the World to See and this is not defamation, yet its in the search just as the Blog Post of Mine That David Aman is Claiming is Defamation is.

Also Please Note the following: " The Court went on to disapprove the language in Conley that "a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Twombly, 550 U.S. at 561 (quoting Conley, 355 U.S. at 45-46). The Court held that: [t]he phrase is best forgotten as an incomplete, negative gloss on an accepted pleading standard: once a claim has been stated adequately, it may be supported by ***showing any set of facts consistent with the allegations in the complaint.*** Twombly, 550 U.S. at 563. William O. Gilley Enterprises, Inc. v. Atlantic Richfield Co., 588 F.3d 659 (9th Cir. 12/02/2009)

Counter Plaintiff

Crystal L. Cox
Pro Se
PO Box 1610
Eureka, MT 59917