

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

AMANDA JONES, *plaintiff*,

Case No. 2:24-CV-10750-BRM-JSA

vs.

DAN KLEINMAN, *defendant*.

**BRIEF IN OPPOSITION TO  
DEFENDANT'S MOTION FOR FIRST-FILED INJUNCTION**

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Plaintiff Amanda Jones, through undersigned counsel, respectfully opposes Defendant Dan Kleinman's motion for a first-filed injunction [10] for the reasons that follow:

### **Introduction**

This is a defamation case. Jones is an elementary school librarian in Louisiana. Kleinman is a self-described library watchdog in New Jersey. Jones alleges that Kleinman has defamed her online, sometimes posting about her several times in one day, for at least the past two years.

Kleinman has been sued for defamation before, and he successfully challenged that court's personal jurisdiction over him. Accordingly, out of an abundance of caution, Jones filed her complaint against Kleinman simultaneously in the Middle District of Louisiana (where she resides) and in the District of New Jersey (where he resides).

Kleinman's motion for a first-filed injunction makes the same argument he already made in the Middle District of Louisiana: He contends that because Jones technically filed her complaint in the District of New Jersey first, the first-filed rule requires that she litigate her complaint here. [10-1; Exhibit A] But Kleinman misrepresents the first-filed rule. The first-filed rule is not automatic. It is an equitable rule and is discretionary. Circumstances do not warrant it here.

In any event, the issue is already before the Middle District of Louisiana, and it is fully briefed there. [Exhibit A] There is no reason for this Court to decide the issue too. Indeed, in his haste to litigate the issue the Middle District of Louisiana, Kleinman neglected to object to that court's personal jurisdiction over him, such that there is now no impediment to the parties proceeding there. If that court denies Kleinman's motion to dismiss, the complaint in this Court will be unnecessary to preserve Jones's rights and can be dismissed. For this reason, to avoid these duplicative efforts, Jones already filed a motion to stay proceedings which, as of this filing, is fully briefed and before Magistrate Judge Jessica Allen. [11]

## Background

### Jones's complaint

Jones's complaint reproduces numerous of Kleinman's posts. [1 ¶¶ 2, 20-22, 23-72] In them, he falsely states that Jones gives highly age-inappropriate sexual material, including books that depict anal sex and books with titles such as "Spanking for Lovers," "The Ultimate Guide to Kink," and "The Ultimate Guide to Threesomes," to children. He falsely states that she "preys on kids" and "sexualizes" children. He falsely labels her a "child groomer." Kleinman's statements about Jones are false and harmful. They cast Jones as a deviant and a danger to children and expose her to misplaced contempt and ridicule. There is perhaps no statement more injurious to an elementary educator than that they "sexualize" children.

Kleinman specifically directs his posts about Jones to a Louisiana audience, including Louisiana's elected officials. [1 ¶¶ 3, 13] His activities directed at Jones have escalated in recent months. Since last March, he has appeared on Louisiana talk radio to talk about Jones; traveled to Louisiana for the purpose of speaking about Jones at a ticketed event, for which he was the featured guest; purported to have attended the annual Louisiana Library Association meeting for the purpose of encountering Jones; and even contacted Live Oak Middle School, Jones's employer, at least twice. [1 ¶¶ 14-17] He has implored the Louisiana Department of Education to revoke Jones's teaching certificate and Livingston Parish parents to challenge it. [1 ¶ 18]

Kleinman's activities subject him to the jurisdiction of Louisiana courts. [1 ¶¶ 6, 12-19] Nevertheless, out of an abundance of caution, Jones filed her complaint in this Court simultaneously with its filing in the U.S. District Court for the Middle District of Louisiana. Kleinman has successfully challenged at least one federal court's personal jurisdiction over him in a defamation case, see *Bittman v. Fox*, No. 14-C-08191, 2015 WL 5612061 (N.D. Ill. Sept. 23,

2015), and Jones anticipated that he would challenge the Middle District of Louisiana’s personal jurisdiction over him. The complaint filed in this Court expressly states that its filing is “out of an abundance of caution only.” [1 at ¶ 6]

### **Proceedings in the Middle District of Louisiana**

Kleinman filed a motion to dismiss the complaint in the Middle District of Louisiana. [Exhibit A] That motion asks that court to dismiss under Rule 12(b)(3), for improper venue, or, alternatively, to transfer the action to this Court under 28 U.S.C. § 1404(a). It does not ask the court to dismiss under Rule 12(b)(2), for lack of personal jurisdiction. By failing to assert the defense of lack of personal jurisdiction, Kleinman waived it.

Briefing on Kleinman’s motion to dismiss Jones’s complaint in the Middle District of Louisiana is closed, and Kleinman does not dispute that he has waived any objection to the Middle District of Louisiana’s exercise of personal jurisdiction over him by failing to assert it. [Exhibit A]. The resolution of Kleinman’s motion to dismiss Jones’s complaint in the Middle District of Louisiana likely will make proceedings in this Court unnecessary. Because Kleinman waived any objection to the Middle District of Louisiana’s exercise of personal jurisdiction over him, if the Middle District of Louisiana otherwise denies Kleinman’s motion to dismiss, Jones’s complaint may proceed in that court as intended. In such an event, the complaint in this Court will be unnecessary to preserve Jones’s rights and can be dismissed

### **Proceedings in the District of New Jersey**

Kleinman filed an answer to the complaint in this Court. [6, 7] After, Jones filed a motion to stay proceedings in this Court pending resolution of Kleinman’s motion to dismiss Jones’s

complaint in the Middle District of Louisiana. [11] That motion is before Magistrate Judge Jessica Allen. It is fully briefed and noticed for submission on February 18, 2025.

Kleinman also filed a letter requesting a pre-motion conference in which he stated his intent to file an Anti-SLAPP motion to dismiss. [13] This Court expressly denied his request and ordered that any such motion “will be held in abeyance until after Judge Allen decides the [11] motion to stay.” [16]

Kleinman filed the instant motion on January 23, 2025, and noticed it for submission on March 3, 2025. [10] The motion asks this Court to enjoin the proceedings in the Middle District of Louisiana. It relies for its argument solely on the first-filed rule.

### **Argument**

#### **1. The parties do not dispute the first-filed rule’s basic premise.**

“The same lawsuit may be filed in different courts.” *Muhammad v. State Farm Indem. Co.*, 719 F. Supp. 3d 397, 400 (D.N.J. 2024). “When this happens: what to do?” *Id.* The first-filed rule “determine[s] which case gets priority as between cases pending in two lower federal courts.” *Id.* at 401 (citation omitted).

The parties do not dispute the first-filed rule’s basic premise: If two lawsuits concern the same parties and the same issues, the second-filed case typically is dismissed, transferred, or stayed. *Id.* at 402 (citations omitted). The first-filed rule’s purpose is to avoid overburdening the federal judiciary, conflicting judgments, and duplicative efforts. *Id.* (citations omitted).

**2. The parties do not dispute the basic facts.**

The parties do not dispute the basic facts: Jones filed the same complaint in the Middle District of Louisiana and this Court on the same day: November 26, 2024. The complaints themselves state that they are being filed simultaneously. [1 at ¶ 6; 10-7 at ¶6].

Kleinman’s motion relies for its argument on its representation that Jones technically filed her complaint in this Court first. It is true that the complaint filed in this Court bears an earlier time-stamp, 3:02 AM EST, but the time stamps do not tell the whole story. Jones attempted to file the complaint in the Middle District of Louisiana first (she opened a civil case there on November 25, 2024), but that court’s CM/ECF system did not accept the PDF. Counsel had to wait for that court’s clerk’s office to open to request remote assistance. With assistance, that court’s CM/ECF system finally accepted the PDF at 8:59 AM CST. These facts are distinguishable from the typical first-filed situation. *Contrast with Muhammad*, 719 F. Supp. 3d at 409 (“The Illinois case was filed on March 18, 2022. This case was filed seven months later, on October 18, 2022.”).

**3. The first-filed rule is not automatic. It is equitable and discretionary.**

Even if the time stamps were conclusive, the first-filed rule is not automatic. It is discretionary only. “Courts have consistently recognized that the first-filed rule ‘is not a rigid or inflexible rule to be mechanically applied.’” *Senju Pharm. Co. v. Metrics, Inc.*, 96 F. Supp. 3d 428, 446 (D.N.J. 2015) (quoting *E.E.O.C. v. Univ. of Penn.*, 850 F.2d 969, 976 (3d Cir. 1988)). “The first-filed rule is ‘grounded on equitable principles.’ This means that when the rule fits a given circumstance as a formal matter, the Court should still pause—to consider whether to exercise its discretion and not apply the rule.” *Muhammad*, 719 F. Supp. 3d at 411 (quoting *E.E.O.C.*, 850 F.2d at 977).

**4. Circumstances do not warrant the first-filed rule.**

Even if the first-filed rule applied, circumstances would not warrant it:

**a. Jones’s intention was clear: to proceed in Louisiana and protect her rights in the event she could not.**

Jones has no desire to duplicate efforts. Her simultaneous filing was not “a forum-shopping maneuver.” *E.g. Waguespack v. Medtronic, Inc.*, 185 F. Supp. 3d 916, 923 (M.D. La. 2016). Her intention was clear: She wanted to proceed in Louisiana but filed her complaint in this Court as a protective measure only. Kleinman has successfully challenged at least one federal court’s personal jurisdiction over him in a defamation case, and she anticipated that he would challenge the Middle District of Louisiana’s personal jurisdiction over him.

Jones’s complaint expressly states that its filing in this Court is “out of an abundance of caution only” “to preserve all rights.” [1 at ¶¶ 6, 19] It specifically asserts that “Kleinman’s activities subject him to the jurisdiction of *Louisiana* courts” [1 at ¶6 (emphasis added)] and that “[t]he U.S. District Court for the *Middle District of Louisiana* has personal jurisdiction over Kleinman” [1 at ¶12 (emphasis added)]. Nevertheless, leaving open the possibility that that court might determine that it did not have personal jurisdiction over Kleinman, filing simultaneously in this Court was necessary “to preserve all rights” [1 at ¶19]. From the complaint:

12. The U.S. District Court for the Middle District of Louisiana has personal jurisdiction over Kleinman because, as shown in this complaint, his purposeful contacts with the state of Louisiana give rise to Jones’s claims. See *Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359 (2021). Among other things:

13. He specifically directs his posts about Jones to a Louisiana audience, including Louisiana’s elected officials, who he tags.

14. He has appeared on Louisiana talk radio to talk about Jones.

15. He has traveled to Louisiana to speak about Jones at a ticketed event in Baton Rouge, where he was the featured guest.

16. He purports to have attended the annual Louisiana Library Association meeting for the purpose of encountering Jones.

17. He contacted Live Oak Middle School, Jones's employer, at least twice. He made requests pursuant to the Louisiana Public Records Act for, among other things, records of Jones's job performance.

18. He has implored the Louisiana Department of Education to revoke Jones's teaching certificate and Livingston Parish parents to challenge it.

19. These purposeful contacts with the state of Louisiana notwithstanding, out of an abundance of caution, to preserve all rights, in addition to filing this lawsuit in the U.S. District Court for the Middle District of Louisiana, Jones also files it in the U.S. District Court for New Jersey.

In addition to the foregoing statements in the complaint, Jones's counsel separately advised Kleinman's counsel that Jones filed the complaint in this Court "as a protective measure" and even invited some "agreement on personal jurisdiction."

**b. The issue is already fully briefed in the Middle District of Louisiana.**

Kleinman filed a motion to dismiss the complaint in the Middle District of Louisiana that argues the first-filed rule applies, and that motion is now fully briefed. [Exhibit A] That court should get to decide whether Jones's complaint may proceed there. " 'District courts have always had discretion to retain jurisdiction given appropriate circumstances justifying departure from the first-filed rule;' and in exercising its discretion, a district court 'must act with regard to what is right and equitable under the circumstances and the law, and directed by the reason and conscience of the judge to a just result.' " *Senju Pharm. Co.*, 96 F. Supp. 3d at 446 (quoting *E.E.O.C.*, 850 F.2d at 972, 977). If the Middle District of Louisiana retains jurisdiction, Jones's complaint may proceed in that court as intended. In such event, the complaint in this Court will be unnecessary to preserve Jones's rights and can be dismissed.

**c. There is now no impediment to Jones's complaint proceeding in the Middle District of Louisiana, and it should.**

In his reply in support of his motion to dismiss the complaint in the Middle District of Louisiana, Kleinman did not dispute that, whether he meant to or not, he waived any objection to the Middle District of Louisiana's exercise of personal jurisdiction over him.

There is now no impediment to Jones's complaint proceeding there, and it should. Jones consented to litigation in New Jersey if necessary, but Louisiana is an obviously preferable forum. This is a defamation case, and the statements are about a public-school educator in Louisiana. Louisiana has an interest in this case being decided at home. Kleinman specifically directed his statements to a Louisiana audience. [1 at ¶¶ 3, 13-18, 84; 6-2 at ¶¶ 3, 13-18, 84]

To the extent Kleinman asserts truth as a defense or contests the extent of Jones's injury, the sources of proof are in Louisiana. Likely witnesses include persons who know Jones or know Jones's reputation and persons to whom Kleinman's statements were targeted. These persons are in Louisiana. (As alleged, Kleinman specifically directed his statements to a Louisiana audience. [1 at ¶¶ 3, 13-18, 84; 6-2 at ¶¶ 3, 13-18, 84]) Indeed, because the District of New Jersey is more than 100 miles from where these persons reside, it cannot compel these persons to testify at trial. *See* Fed. R. Civ. P. 45 (c)(1)(A), (d)(3)(A)(ii).

All other practical problems that make trial of a case easy, expeditious, and inexpensive favor litigation in Louisiana. Everyone and everything relevant to this case is in Louisiana, save Kleinman, but Kleinman has now waived any objection to this Court's personal jurisdiction over him. Litigation in Louisiana necessarily will be easier, more expeditious, and less expensive than in New Jersey.

In sum, even if the first-filed rule applied, the interest in equity and efficiency would not favor it.

### **Conclusion**

The first-filed rule intends to avoid duplicative efforts. The only party requiring duplicative efforts here is Kleinman. After he filed his motion to dismiss in the Middle District of Louisiana, Jones promptly moved to stay proceedings here. There is no reason for the federal courts to decide the same issues twice.

For the reasons stated, the Court should deny Kleinman's motion for first-filed injunction and give the Middle District of Louisiana an opportunity to decide the fully briefed motion before it. That court's decision will determine where Jones's complaint shall proceed. There will be no duplicative efforts after.

Respectfully submitted,

*/s/ Kaja S. Elmer*

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*for Amanda Jones*

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of filing to all counsel of record.

February 17, 2025

*/s/ Kaja S. Elmer*

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA**

AMANDA JONES,  
  
Plaintiff,  
  
v.  
  
DAN KLEINMAN.  
  
Defendant.

Civil Action No. 3:24-CV-00972-BAJ-SDJ

**MOTION TO DISMISS OR  
TRANSFER VENUE**

Defendant Dan Kleinman moves to dismiss this matter under Fed. R. Civ. P. 12(b)(3) or, in the alternative, transfer this action to the United States District Court for the District of New Jersey, for reasons in the accompanying memorandum in support of its motion.

WHEREFORE Defendant Dan Kleinman respectfully requests that this Court grant its motion, dismissing this action or, in the alternative, transferring this action to the United States District Court for the District of New Jersey.

Dated: January 21, 2025.

Respectfully Submitted,

/s/ Heather Cross  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2025, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Heather Cross

Heather Cross

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA**

AMANDA JONES,  
  
Plaintiff,  
  
v.  
  
DAN KLEINMAN,  
  
Defendant.

Civil Action No. 3:24-CV-00972-BAJ-SDJ

**DEFENDANT’S MEMORANDUM IN  
SUPPORT OF MOTION TO DISMISS  
OR TRANSFER VENUE**

Defendant Dan Kleinman (“Defendant”) moves the Court to dismiss or transfer this case to the United States District Court for the District of New Jersey pursuant to Federal Rule of Civil Procedure 12(b)(3), 28 U.S.C. § 1404(a), and under the first-filed rule.

**1.0 BACKGROUND**

On November 26, 2024, Plaintiff Amanda Jones (“Plaintiff”) filed two identical Complaints against Defendant, one in the United States District Court for the District of New Jersey (“New Jersey”) and one in the United States District Court for the Middle District of Louisiana (“Louisiana”). *See* Complaint, Case No. 2:24-cv-10750, U.S. District Court for the District of New Jersey, attached hereto as **Exhibit 1**. Plaintiff Jones filed the New Jersey Complaint first, at 2:02 am Central Time on November 26, 2024. *See* Declaration of Kylie R. Werk (“Werk Decl.”) at ¶ 5. She subsequently filed the Complaint in this Court about seven hours later, at 8:58 am Central Time on November 26, 2024. *See id.* at ¶ 6.

**2.0 ARGUMENT & AUTHORITIES**

“When venue is improper, the court can either dismiss, or, if in the interest of justice, transfer the case to a district of proper venue.” *Hodges v. Deltic Farm & Timber Co.*, 1991 U.S. Dist. LEXIS 3708, at \*6 (E.D. La. March 28, 1991). Venue is improper in the Middle District of

Louisiana because the case was originally filed in the District of New Jersey before being filed in the Middle District of Louisiana. The Court should dismiss this action or, in the alternative, transfer it to the District of New Jersey.

### **2.1 Dismissal under FRCP 12(b)(3)**

A Rule 12(b)(3) motion allows a party to challenge a plaintiff’s choice of venue. Fed. R. Civ. P. 12(b)(3). To defeat such a motion, the plaintiff must “make only a prima facie showing of proper venue.” *Aggarao v. MOL Ship Mgmt. Co., Ltd.*, 675 F.3d 355, 366 (4th Cir. 2012). “In assessing whether there has been a prima facie venue showing,” the court construes “the facts in the light most favorable to the plaintiff.” *Id.* Indeed, “all inferences must be drawn in favor of the plaintiff, and the facts must be viewed as the plaintiff most strongly can plead them.” *Jones v. Koons Automotive, Inc.*, 752 F. Supp. 2d 670, 680 (D. Md. 2010) (cleaned up). In its assessment, the court may look to evidence outside the complaint. *Aggarao*, 675 F.3d at 365-66.

Here, the Court does not need to look very far at evidence outside the complaint—it need only look at Case No. 2:24-cv-10750, U.S. District Court for the District of New Jersey. That is a case filed in the District of New Jersey by the same plaintiff against the same defendant with all the same facts. A plaintiff’s choice of venue is entitled to deference. *See In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315 (5th Cir. 2008). The Plaintiff chose New Jersey. The Plaintiff then also chose here. This is unusual, but the solution is simple: The Plaintiff chose New Jersey, so we should defer and dismiss *this* action. The dispute can be resolved in New Jersey, a venue where the Plaintiff is clearly comfortable and has already filed suit.

### **2.2 Venue Transfer Under § 1404(a)**

Under 28 U.S.C. § 1404(a), even if venue is proper in a forum, a district court may transfer any civil case “[f]or the convenience of the parties and witnesses, in the interest of justice . . . to

any other district or division where it might have [originally] been brought.”

Whether the suit “might have been brought” in the proposed transferee district is the first question. *In re Volkswagen of Am., Inc.*, 545 F.3d at 312. Once the defendant satisfies that burden, the Court weighs certain public-interest and private-interest factors to determine if transfer is “for the convenience of parties and witnesses and in the interest of justice.” *Id.* at 315.

Here, we have an unusually easy analysis. Not only can this court determine that the case *might* have been brought in the District of New Jersey—it *was brought there* and it remains active there. Not only that, but Defendant was personally served while in New Jersey. *See* Executed Summons, Case No. 2:24-cv-10750, U.S. District Court for the District of New Jersey, attached hereto as **Exhibit 2**; ECF No. 4. If this case is not dismissed, it can be transferred to the District of New Jersey, where it will be duplicative of Case No. 2:24-cv-10750 there. It will presumably be consolidated with that case, and the parties can proceed with their dispute on the merits.

### **2.3 The First-to-File Rule Compels Transfer and Consolidation**

Under the first-to-file rule, a court should transfer an action if another federal court is hearing a case that was filed first and if “issues raised by the cases substantially overlap.” *Cadle Co. v. Whataburger of Alice*, 174 F.3d 599, 603 (5th Cir. 1999). To determine if substantial overlap exists, the Fifth Circuit examines “whether the core issue was the same or if much of the proof adduced would likely be identical.” *Int’l Fid. Ins. Co. v. Sweet Little Mex. Corp.*, 665 F.3d 671, 678 (5th Cir. 2011) (internal quotation marks, footnote, and ellipses omitted). The rule does not require that the cases be identical, just that they substantially overlap. *See id.* Here, the cases are identical. The parties are the same. The statement of facts, the claims, and the prayer for relief are the same. The complaints filed in New Jersey and in this Court are word-for-word identical and, accordingly, overlap.

While “compelling circumstances,” such as “bad faith, anticipatory suit, and forum shopping,” may block the first-to-file rule, none are present here. *United States ex rel. Nottingham Constr. Co. v. Fluor Enters.*, 2007 U.S. Dist. LEXIS 105851, at \*8 (M.D. La. June 26, 2007). These issues only appear when there are competing lawsuits filed by different parties—usually the second-filed action is filed by the Defendant in the first-filed action. Here, unusually, both actions were filed by the same Plaintiff. Thus, these circumstances are absent.

In order to un-multiply the proceedings, Defendant asks this Court to transfer this second-filed case to New Jersey. “The Fifth Circuit has long advocated that district courts exercise their discretion to avoid duplication of proceedings where related claims are being litigated in different districts.” *Waguespack v. Medtronic, Inc.*, 185 F.Supp.3d 916, 922 (M.D. La. 2016) (internal quotation marks omitted). The first-to-file rule dictates transfer of this subsequently filed action to the court where it was filed first, the United States District Court for the District of New Jersey.

### 3.0 CONCLUSION

Accordingly, for the reasons set forth herein, Defendant Dan Kleinman respectfully requests that this Court dismiss this action or, in the alternative, transfer this action to the venue of the District of New Jersey.

Dated: January 21, 2025.

Respectfully Submitted,

/s/ Heather Cross  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2025, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Heather Cross  
Heather Cross

# **Exhibit 1**

Complaint,  
U.S. District Court for the  
District of New Jersey  
Case No. 2:24-CV-10750  
(ECF No. 1)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

AMANDA JONES, *plaintiff*,

Case No. 2:24-cv-10750

vs.

DAN KLEINMAN, *defendant*.

COMPLAINT

Plaintiff Amanda Jones, through undersigned counsel, files this complaint against Defendant Dan Kleinman:

INTRODUCTION

1. Dan Kleinman is a self-described library watchdog in New Jersey. For years, he has harassed librarians, primarily, but not exclusively, online. He authors a blog called SafeLibraries where he reports purported librarian-related exposes. He promotes his material on X, where he posts using the handle @SexHarrassed.

2. Amanda Jones is an elementary school librarian in Louisiana. For the past two years, Kleinman has targeted Jones, sometimes posting about her several times in one day. He falsely represents that she “sexualizes” children. He claims she gives adult books with titles such as “Spanking for Lovers,” “The Ultimate Guide to Kink,” and “The Ultimate Guide to Threesomes” to children. He labels her a “child groomer” and “domestic terrorist.”

3. Kleinman specifically directs his posts about Jones to a Louisiana audience, including Louisiana’s elected officials. His activities directed at Jones have escalated in recent months. Since March, he has appeared on Louisiana talk radio to talk about Jones; traveled to Louisiana for the purpose of speaking about Jones at a ticketed event, for which he was the featured

guest; purported to have attended the annual Louisiana Library Association meeting for the purpose of encountering Jones; and even contacted Live Oak Middle School, Jones's employer, at least twice. He has implored the Louisiana Department of Education to revoke Jones's teaching certificate and Livingston Parish parents to challenge it.

4. Kleinman's statements about Jones are false and harmful. They cast Jones as a deviant and a danger to children and expose her to misplaced contempt and ridicule. There is perhaps no statement more injurious to an elementary educator than that they "sexualize" children.

5. "Our constitution has expressly balanced the right of free speech with the responsibility for abuse of that right." *Kennedy v. Sheriff of E. Baton Rouge*, 2005-1418 (La. 7/10/06), 935 So. 2d 669, 680. "[T]here is no constitutional value in false statements of fact. Neither the intentional lie nor the careless error materially advances society's interest in 'uninhibited, robust, and wide-open' debate on public issues." *Mashburn v. Collin*, 355 So. 2d 879, 884 (La. 1977) (quoting *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340 (1974)). See also *Johnson v. Purpera*, 2020-01175 (La. 5/13/21), 320 So. 3d 374, 394 (same).

6. Kleinman's activities subject him to the jurisdiction of Louisiana courts. Nevertheless, out of an abundance of caution, Jones simultaneously files this lawsuit in the U.S. District Courts for the Middle District of Louisiana and New Jersey.

7. Jones files this lawsuit to hold Kleinman accountable for his false statements about her, but this lawsuit is not solely for Jones. Jones is not the only target of Kleinman's campaigns. Jones hopes that this lawsuit might cause Kleinman to stop falsely maligning librarians everywhere.

## PARTIES

8. Plaintiff Amanda Jones is an adult resident of Livingston Parish, Louisiana.

9. On information and belief, Defendant Dan Kleinman is an adult resident of Chatham, New Jersey. He is an owner of SafeLibraries Inc., and available records indicate SafeLibraries Inc. was formed in the state of New Jersey in 2016 and suspended in 2018. Kleinman and SafeLibraries Inc. use the address 641 Shunpike Road # 123 Chatham, New Jersey 07928, which appears to be a mailbox at a UPS store in Chatham, New Jersey.

## SUBJECT MATTER JURISDICTION

10. Federal district courts have subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332(a) because the parties are citizens of different states and the amount in controversy exceeds \$75,000.

## VENUE

11. Venue is proper in both the U.S. District Courts for the Middle District of Louisiana and New Jersey pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to this case occurred in those districts.

## PERSONAL JURISDICTION

12. The U.S. District Court for the Middle District of Louisiana has personal jurisdiction over Kleinman because, as shown in this complaint, his purposeful contacts with the state of Louisiana give rise to Jones's claims. *See Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359 (2021). Among other things:

13. He specifically directs his posts about Jones to a Louisiana audience, including Louisiana's elected officials, who he tags.

14. He has appeared on Louisiana talk radio to talk about Jones.

15. He has traveled to Louisiana to speak about Jones at a ticketed event in Baton Rouge, where he was the featured guest.

16. He purports to have attended the annual Louisiana Library Association meeting for the purpose of encountering Jones.

17. He contacted Live Oak Middle School, Jones's employer, at least twice. He made requests pursuant to the Louisiana Public Records Act for, among other things, records of Jones's job performance.

18. He has implored the Louisiana Department of Education to revoke Jones's teaching certificate and Livingston Parish parents to challenge it.

19. These purposeful contacts with the state of Louisiana notwithstanding, out of an abundance of caution, to preserve all rights, in addition to filing this lawsuit in the U.S. District Court for the Middle District of Louisiana, Jones also files it in the U.S. District Court for New Jersey.

## FACTS

20. Kleinman has targeted Jones, sometimes posting about her several times in one day, for at least the past two years. He falsely represents that she "sexualizes" children by giving them "obscene" or otherwise sexually explicit material. He says Jones "preys on kids" and calls her a "child groomer."

21. Kleinman’s false statements about Jones expose her to misplaced contempt and ridicule. The following are merely indicative of readers’ responses to Kleinman’s false statements:

“She wrote a whole book about defending porn  
to be available to kids in libraries?”

“Right. There’s one reason, and one reason only why adults would fight to  
sexualize children. And all under the cloak of the 1st amendment.  
Devious demons.”

“Because she is a big fat groomer liar, that’s why. The lengths they are willing to  
go to distribute obscenity to minor children is profoundly disturbing.”

“A national book tour to promote graphic porn for children. Sick!”

“Who is this sick pervert- AMANDA JONES???  
hiding SEXUAL content from Parents..”

“Ah, Amanda Jones. She needs to be in prison for what she’s doing to kids.”

“She’s nobody’s hero. She’s a groomer. A rather sick and disgusting groomer.”

22. Kleinman’s false statements are too numerous to reproduce here. The following false statements, all made in 2024 only, are indicative and serve as the basis of this complaint:

### **February 2024**

23. From a February 4, 2024, X post, referring to “@abmack33,” who is Amanda Jones:  
School librarians trains students to use @Grindr to meet men for a night.

24. From a February 7, 2024, X post, referring to “Amanda Jones @abmack33”:  
Gr@@mers help each other gr@@m school children.



29. From a March 9, 2024, X post:

Hmm! I'm in Louisiana talking how #librarians collude to s3xualize and indoctrinate children! Sunday is the annual Louisiana Library Association meeting with #ThatLibrarian Amanda Jones @abmack33 so I'll see her! Us NJ guys really get around!



30. From a March 12, 2024, X post:

The word is gr—mer, in this case #ThatLibrarian Amanda Jones @abmack33, star of @ALALibrary's #UniteAgainstBookBans @UABookBans to s3xualize + indoctrinate children nationwide. Be certain this isn't defamation; I'm merely reporting what she herself said

31. From a March 29, 2024, X post:

Librarians s3xualize and indoctrinate school kids like #ThatLibrarian Amanda Jones @abmack33 does, then parents complain

## April 2024

32. From an April 8, 2024, X post:

Actual gr—mer of children, Louisiana school #librarian Amanda Jones, rarely opens her @abmack33 account, but it's open now + she's slamming #lalege #lagov essentially for protecting citizens from gr—mers like her. And her gr—ming is truth, not defamation

33. From an April 9, 2024, X post:

Amanda Jones @abmack33 in Louisiana preys on kids. Middle school #librarian. This is what could happen. #ThatLibrarian. And she's @ALALibrary's #UniteAgainstBookBans model. She's gr—ming kids (fact, not defamation, she says it). What could go wrong?

34. From an April 10, 2024, X post:

I report things. People who I expose call that harassment. Amanda Jones @abmack33 is a gr—mer, e.g. I reported her admitting that, but #librarians hate my reporting that. That's their problem, not mine. Here's my report of her admitting to gr—ming

35. From an April 11, 2024, X post:

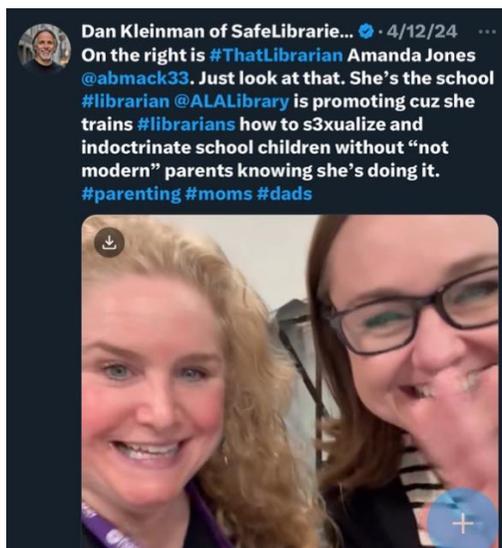
@ALALibrary promoting nation's leading child gr—mer school librarian Amanda Jones @abmack33.

36. From an April 11, 2024, X post:

Louisiana's middle school librarian child gr—mer (fact via her own admissions, not defamation) Amanda Jones has opened her @abmack33 X to attach/astroturf #lalege further for trying to stop her from further s3xualizing, indoctrinating school kids

37. From an April 12, 2024, X post, posting a photo of Amanda Jones:

On the right is #ThatLibrarian Amanda Jones @abmack33. Just look at that. She's the school #librarian @ALALibrary is promoting cuz she trains #librarians how to s3xualize and indoctrinate school children without 'not modern' parents knowing she's doing it.



38. From an April 21, 2024, X post, referring to "Amanda Jones @abmack33":

Here's a middle school child gr—mer school librarian mooching money with her #ThatLibrarian book on how to sneak things past 'not modern' parents she knows they don't want: s3xualization and Marxism.

39. From an April 26, 2024, X post:

@LOMiddleLibrary has DELETED its account after I wrote to the principal to unblock @SexHarrassed. The account was run by #ThatLibrarian Amanda Jones @abmack33, a school #librarian who I reported on admitting to gr\*\*ming school children.

## May 2024

40. From a May 1, 2024, X post:

What happened? One of the nation's leading school librarian child gr—omers Amanda Jones @abmack33 is happy #HB946 & #HB777 are 'killed.' What happened? Gr—mers trump children in LA?

41. From a May 4, 2024, SafeLibraries blog post:

My own conclusion from Amanda’s actions and reactions as I have reported indicates to me that she needs to be fired as soon as possible—for the kids sake, the end of this school year might be best. And any action taken by Louisiana legislators in reaction to what I and New Louisiana has already disclosed and continue to disclose is done in an atmosphere where school librarians are hiding things from parents AND repeatedly deleting things being reported about their responses to my investigative efforts. When her book ‘That Librarian’ finally gets published in August, I’ll be reading it closely because I’m certain she’ll have even more things to hide after I report on that book. Only this time it will have been published on paper and it will be too late to sneak changes behind the scenes in violation of Louisiana law.

42. From a May 11, 2024, X post, referring to “@abmack33,” resharing a photo and joke suggestive of anal sex, and referring to a book that allegedly depicts anal sex:

The favorite subwoofer of school librarians .. who like to give kids books like ‘Let’s Talk About It’!



43. From a May 15, 2024, X post:

What are the consequences of the school deleting its @X account? I know the middle school library where #ThatLibrarians Amanda Jones @abmack33, the self admitted gr\*\*mer, has deleted a school account too: @LOMiddleLibrary.

44. From a May 23, 2024, X post:

Do what's right by citizens and the law. Don't be swayed by tauntings of #librarian Amanda Jones @abmack33 who admits to gr\*\*ming kids of 'not modern' parents @LOMEagles.

45. From a May 24, 2024, X post:

Self admitted child gr\*\*mer and school librarian Amanda Jones @abmack33 who wrote #ThatLibrarian is announcing she is going to continue gr\*\*ming school children.

46. From a May 30, 2024, X post:

No thanks, says Louisiana's home grown gr\*\*mer Amanda Jones @abmack33 #ThatLibrarian to @cadebrumley. When is someone going to fire her from @LOMEagers?

## **July 2024**

47. From a July 14, 2024, X post:

I guarantee you Amanda Jones' @abmack33 parents did NOT raise her to be a child gr\*\*mer.

48. From a July 15, 2024, X post:

We are all supposed to believe this self-admitted child gr\*\*mer Amanda Jones @abmack33 is a hero cuz she's pretty and a school #librarian, not a creepy old man. Like that makes gr\*\*ming okay. She wrote a book!

49. From a July 16, 2024, X post:

Do you realize #ThatLibrarian Amanda Jones @abmack33 is so popular among #librarians BECAUSE she bragged how she s\*xualizes and indoctrinates school kids without 'not modern' parents knowing?

50. From a July 26, 2024, X post:

School library self-admitted child gr\*\*mer Amanda Jones @abmack33 provides an update ...

51. From a July 28, 2024, X post:

How has school librarian Amanda Jones s\*xualized kids?

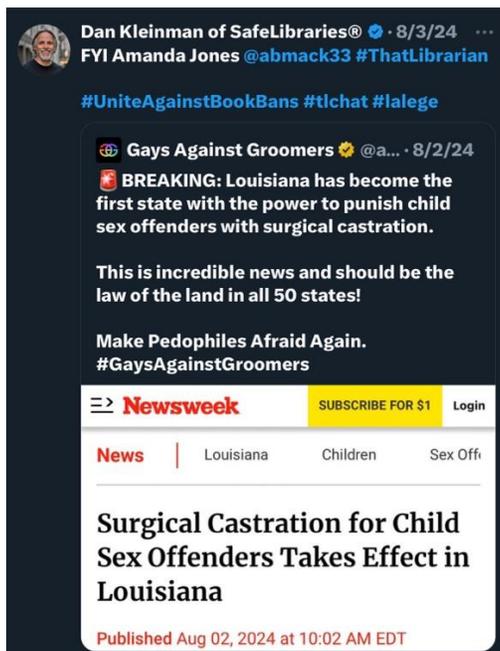
### **August 2024**

52. From an August 2, 2024, X post:

By the way, #ThatLibrarian Amanda Jones @abmack33 bragged about s\*xualizing and indoctrinating school kids without 'not modern' parents knowing. No wonder ALA is attacking Christian families to support her and @BloomsburyPub is publishing her lies

53. From an August 3, 2024, X post, resharing a Newsweek article titled “Surgical Castration for Child Sex Offenders Takes Effect in Louisiana”:

FYI Amanda Jones @abmack33 #ThatLibrarian



54. From an August 6, 2024, X post:

child gr\*\*mer middle school #librarian Amanda Jones @abmack33 wrote a book called #ThatLibrarian that urges #librarians how to further s\*xualize and indoctrinate more school children

55. From an August 8, 2024, X post:

What thought process allows school #librarians, like Amanda Jones @abmack33 #ThatLibrarian + Martha Hickson @sassy\_librarian, to s\*xualize + indoctrinate school children?

56. From an August 14, 2024, X post:

Gr\*\*mer gone. Bye Martha Hickson @sassy\_librarian. Book by #ThatLibrarian Amanda Jones @abmack33, also a gr\*\*mer, has a section about Martha who has no retired and I heard may have been told she would be fired. So fake news incoming.

57. From an August 25, 2024, X post:

Child gr—mer Amanda Jones @abmack33 goes on a book tour. She wrote #ThatLibrarian for @ALALibrary’s #UniteAgainstBookBans to s—xualize and indoctrinate as many kids as possible ... Go meet a gr—mer.

58. From an August 27, 2024, X post, directed to “abmack33”:

You’re promoting a gr—mer book on gr—ming.

59. From an August 27, 2024, X post, directed to “abmack33”:

You like gr—ming?

60. From an August 27, 2024, X post, directed to “abmack33”:

She’s a gr—mer.

61. From an August 27, 2024, X post, directed to “abmack33”:

She’s lying and she’s a gr—mer.

62. From an August 27, 2024, X post, referring to “Amanda Jones”:

NO ONE SHOULD ATTACK SCHOOL LIBRARIANS. That said, this particular one is a self-admitted gr—mer. Her certification should be revoked.

63. From an August 31, 2024, SafeLibraries blog post:

Now I bring new evidence about Amanda and it is not only shocking, but it infects her public school’s administration. Administrators at Live Oak Middle School, Denham Springs, LA, are colluding with Amanda to violate state law pertaining to open public records.

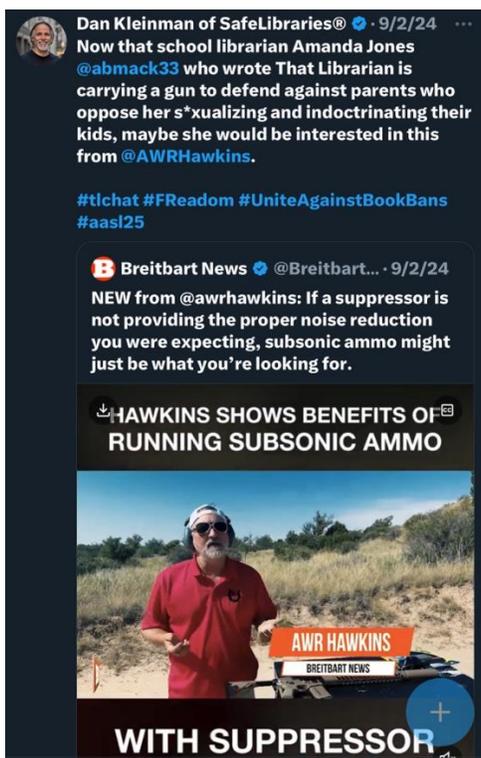
### **September 2024**

64. From a September 1, 2024, X post:

Amanda Jones—That Librarian—School Librarian Who Packs Heat—To Kill Parents Who Don’t Like Her Gr—ming Their Kid

65. From a September 2, 2024, X post, resharing article about “subsonic ammo”:

Now that school librarian Amanda Jones @abmack33 who wrote That Librarian is carrying a gun to defend against parents who oppose her s\*xualizing and indoctrinating their kids, maybe she would be interested in this



66. From a September 3, 2024, X post:

Administrators at Live Oak Middle School, Denham Springs, LA, are colluding with Amanda to violate state law pertaining to open public records.

67. From a September 7, 2024, email to Live Oak Middle School’s principal, “Regarding Amanda Jones”:

It is apparent to me that you are acting in violation of the law to protect a school librarian who has publicly stated that she is s\*xualizing and indoctrinating school children in her library. Now that makes you responsible as well for covering up her acts.

\*\*\*

The audacity of you people. You have Louisiana's most prominent school librarian, now the nation's most prominent school librarian given the push she has gotten from American Library Association, who admitted publicly to gr\*\*ming middle school children. ... You are now accessories after the fact. I am going to do my best to make sure every Louisiana legislator and relevant court knows this.

\*\*\*

So here's the deal: You respond in accordance with Louisiana law instead of the Amanda Jones Protection Act of Live Oak Middle School Administrators, and you provide each and every document requested, then the public won't think you have joined Amanda Jones in violating the law to keep the 'not modern' parents in the dark while their children are s\*xualized and indoctrinated by school librarians like Amanda Jones and those she trains.

68. From a September 8, 2024, SafeLibraries blog post:

And to Livingston Parish parents, I'm doing my best to expose the harm Amanda Jones and now Live Oak Middle School is doing to your children. I even appeared in Baton Rouge to speak for Citizens for a New Louisiana. . . . But I'm not there now. You need to stand up and demand your school serve you and not some Chicago, Illinois, organization empowering Amanda Jones . . . to indoctrinate and s\*xualize your children.

\*\*\*

One thing to consider could be challenging the teaching certificate of Amanda Jones. . . . 'Educator credentials can be sanctioned for a conviction of certain criminal offenses, for the submission of fraudulent documentation, for professional license censure, for failure to meet the standards for effectiveness, or for participation in cheating' . . . Anyone see anything there or in the remaining sections? I do.

\*\*\*

She's also the poster girl for blowing past Louisiana laws, ethics, and educational standards. If her actions don't lead to change, no one's will, and it's open season on the children.

\*\*\*

Why is public employee Amanda Jones still employed in your school? Why are school administrators allowed to help her target your children? How much more evidence is needed before you act?

69. From a September 16, 2024, X post:

PARENTS: School #librarian gr mers like @abmack33 @sassy\_librarian are featured in this #BannedBooksWeek PW pub that gaslights from stem to stern

### October 2024

70. From an October X, 2024, X post:

As to Amanda Jones, she admits to gr\*\*ming students and is on a nationwide tour for @ALALibrary #UniteAgainstBookBans to train other librarians how to gr\*\*m more students.

### November 2024

71. From a November 5, 2024, X post, posting a photo of Amanda Jones:

What does a school #librarian child gr\*\*mer look like?



72. From a November 9, 2024, X post, posting photos of books with visible titles “Spanking for Lovers,” “The Ultimate Guide to Kink,” “The Ultimate Guide to Threesomes,” and “A Transracial Adoption Story”:

Do these look like the perfect school books school librarians like Amanda Jones @abmack33 and Martha Hickson @sassy\_librarian would love to give school children per @ALALibrary’s #UniteAgainstBookBans? Yes, they already cover these topics.



## CAUSES OF ACTION

### COUNT ONE: DEFAMATION

73. Jones realleges the foregoing facts as if stated fully.

74. A defamation claim has the following elements: (1) defamatory words, (2) publication, (3) falsity, (4) malice, and (5) resulting injury.

#### Defamatory words

75. Kleinman falsely states that Jones gives highly age-inappropriate sexual material, including books that depict anal sex and books with titles such as “Spanking for Lovers,” “The Ultimate Guide to Kink,” and “The Ultimate Guide to Threesomes,” to children.

76. He falsely states that she “preys on kids.”

77. He falsely states that she “sexualizes” children.

78. He falsely labels her a “child groomer.”

79. Kleinman’s statements are defamatory per se or, at minimum, capable of defamatory meaning, because they accuse Jones of criminal conduct and by their very nature injure Jones’s personal or professional reputation.

80. Under La. R.S. § 14:81, “Indecent Behavior with Juveniles,” it is a crime to share “textual, visual, written, or oral communication[s] depicting lewd or lascivious conduct, text, words, or images” with persons under 17.

81. The representations that an elementary educator “preys on” and “sexualizes” children necessarily injures their personal and professional reputation.

82. There is no label more injurious to an elementary educator than “child groomer.” “Groomer” is understood to mean one who cultivates a sexual relationship with a child. *See, e.g., Feitosa v. Keem*, No. 22-cv-3775, 2023 WL 2267055 n.2 (W.D.N.W. Feb. 23, 2023) (denying motion to dismiss defamation claim arising from tweet which alleged plaintiff was a groomer: “In common parlance, ‘grooming’ is understood to be ‘a tactic where someone methodically builds a trusting relationship with a child or young adult, their family, and community to manipulate, coerce, or force the child or young adult to engage in sexual activities.’”); *Bain v. Wrend*, No. 5:14-cv-00202, 2016 WL 4064030 n.2 (D. Vt. July 28, 2016) (“‘Grooming’ is a ‘term commonly used to mean cultivation of an inappropriate relationship with a child for a sexual purpose.’”).

#### Publication

83. Kleinman made, i.e., published, his statements in the X posts and blog posts reproduced in this complaint.

84. On information and belief, he made the same statements in presentations he made specifically about Jones to targeted audiences on the radio and in-person in Louisiana.

#### Falsity

85. Kleinman's statements are false.

86. Jones does not give highly age-inappropriate sexual material, including books that depict anal sex and books with titles such as "Spanking for Lovers," "The Ultimate Guide to Kink," and "The Ultimate Guide to Threesomes," to children.

87. She does not "prey on" or "sexualize" children.

88. She is not a "child groomer."

89. Kleinman represents his statements to be statements of fact, not statements of opinion.

90. Even if he holds them as personal opinions, it remains that they are provably false.

#### Actual malice

91. Kleinman makes his statements about Jones with actual malice:

92. He knows his statements are false.

93. At a very minimum, he recklessly disregards whether they are false.

94. The notion that an elementary educator such as Jones would "prey on," "sexualize," and "groom" children, including by giving them highly age-inappropriate sexual material, is so inherently improbable that Kleinman must be malicious and at minimum reckless in posting it.

## Injury

95. Kleinman’s statements are injurious:

96. The representations that an elementary educator “preys on” and “sexualizes” children, including by giving them highly age-inappropriate sexual material, necessarily injures their personal and professional reputation.

97. There is no label more injurious to an elementary educator than “child groomer.”

98. Kleinman’s statements expose Jones to misplaced contempt and ridicule. He is liable for any damages caused by his defamation of Jones.

## COUNT TWO: FALSE LIGHT

99. Jones realleges the foregoing facts as if stated fully here.

100. “A cause of action for ‘false light’ invasion of privacy arises from publicity which unreasonably places the plaintiff in a false light before the public. The publicity need not be defamatory in nature, but must be objectionable to a reasonable person under the circumstances and must contain either falsity or fiction.” *Brunner v. Holloway*, 2017-0674 (La. App. 1 Cir. 11/2/17), 235 So. 3d 1153, 1161 (citation omitted).

101. Kleinman’s statements unreasonably place Jones in a false light before the public. They are objectionable and false.

102. Kleinman is liable for any damages caused by his casting Jones in a false light.

## DEMAND FOR JURY TRIAL

103. Jones respectfully demands a trial by jury.

PRAYER FOR RELIEF

104. Jones respectfully asks that, after due proceedings, the Court enter judgment against Kleinman awarding Jones compensatory damages in excess of \$75,000 in an amount to be proven at trial, plus interest, and any other relief to which she is entitled.

Respectfully submitted,

*/s/ Kaja S. Elmer*

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Kaja S. Elmer, N.J. Bar No. 077982013  
Fishman Haygood LLP  
201 St. Charles Avenue, Suite 4600  
New Orleans, Louisiana 70170  
t: 504-586-5252  
kelmer@fishmanhaygood.com

Alysson Mills, *application for admission pro hac vice forthcoming*  
650 Poydras Street, Suite 1525  
New Orleans, Louisiana 70130  
t/f: 504-586-5253  
alysson@alyssonmills.com

*for Amanda Jones*

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Jones, Amanda
(b) County of Residence of First Listed Plaintiff Livingston Parish, Louisiana
(c) Attorneys (Firm Name, Address, and Telephone Number)
Kaja S. Elmer, Fishman Haygood LLP, 201 St. Charles Avenue, Suite 4600, New Orleans, LA 70170

DEFENDANTS
Kleinman, Dan
County of Residence of First Listed Defendant Morris County, New Jersey
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question
4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
CITIZENSHIP OF PLAINTIFF (PIF)
CITIZENSHIP OF DEFENDANT (DEF)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332
Brief description of cause: Defamation action

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE
DOCKET NUMBER

DATE 11/25/2024 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# **Exhibit 2**

Executed Summons,  
U.S. District Court for the  
District of New Jersey  
Case No. 2:24-CV-10750  
(ECF No. 1)

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY**

**AMANDA JONES,**  
*Plaintiff*

V.

**SUMMONS IN A CIVIL CASE**

**DAN KLEINMAN,**  
*Defendant*

CASE  
NUMBER: **2:24-CV-10750-BRM-JSA**

TO: *(Name and address of Defendant):*

Dan Kleinman  
641 Shunpike Road #123  
Chatham, New Jersey 07928

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kaja S. Elmer  
Fishman Haygood LLP  
201 St. Charles Avenue, Suite 4600  
New Orleans, LA 70710  
kelmer@fishmanhaygood.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

/s/ Melissa E. Rhoads

Clerk of Court



ISSUED ON 2024-11-26 14:04:26, Clerk  
USDC NJD

RETURN OF SERVICE	
Service of the Summons and complaint was made by me(?)	DATE <u>Nov 26, 2024</u>
NAME OF SERVER (PRINT) <u>Douglas Eaton</u>	TITLE
Check one box below to indicate appropriate method of service	
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>N. Hunterdon Bd of Ed</u> <u>1445 Rt 31, Annandale NJ</u> ; or	
<input type="checkbox"/> Left the summons at the individual's residence or usual place of abode with (name): _____ a person of suitable age and discretion who resides there, on (date): _____ and mailed a copy to the individual's last known address; or	
<input type="checkbox"/> Name of person with whom the summons and complaint were left: _____; or	
<input type="checkbox"/> Returned unexecuted: _____; or	
<input type="checkbox"/> Other (specify): _____	
STATEMENT OF SERVICE FEES	
TRAVEL <input checked="" type="checkbox"/>	SERVICES <input checked="" type="checkbox"/> TOTAL <u>0</u>
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.	
Executed on <u>Nov 27, 2024</u>	<u>Doug Eaton</u> Signature of Server
Date	<u>327 Golf View Dr</u> Address of Server
	<u>Little Egg Harbor, NJ</u> <u>08087</u>

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA**

AMANDA JONES,  
  
Plaintiff,  
  
v.  
  
DAN KLEINMAN.  
  
Defendant.

Civil Action No. 3:24-CV-00972-BAJ-SDJ

**DECLARATION OF KYLIE WERK**

I, Kylie R. Werk, being duly sworn, depose and state the following under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify thereto.

2. I am an attorney at Randazza Legal Group, PLLC, and have been a member in good standing of the Florida Bar since 2021. Our firm has been retained to represent Defendant, Dan Kleinman in this matter, and in the parallel pending proceedings in New Jersey. We have recently retained the Cross Law Firm, LLC and Heather Cross as local counsel in this matter, and will submit a Motion for Admission before this Court shall it become necessary.

3. I made this Declaration in support of Defendant’s Memorandum in Support of Motion to Dismiss or Transfer Venue.

4. I called the Clerk of the United States District Court for the District of New Jersey and the Clerk of the United States District Court for the Middle District of Louisiana to ask for the timestamp of Plaintiff’s filed Complaint in each Court.

5. I was informed by the Clerk of the United States District Court for the District of New Jersey that Plaintiff filed her Complaint in the District of New Jersey at 3:02am local time, 2:02am Central Time, on November 26, 2024.

6. I was informed by the Clerk of the United States District Court for the Middle District of Louisiana that Plaintiff filed her Complaint in the Middle District of Louisiana at 8:58am Central Time on November 26, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 21, 2025

/s/ Kylie R. Werk  
Kylie R. Werk

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

AMANDA JONES, *plaintiff*,

Case No. 3:24-cv-972-BAJ-SDJ

vs.

DAN KLEINMAN, *defendant*.

**OPPOSITION TO MOTION TO DISMISS OR TRANSFER VENUE**

Plaintiff Amanda Jones, through undersigned counsel, respectfully opposes Defendant Dan Kleinman’s “Motion to Dismiss or Transfer Venue” [6] and states as follows:

**INTRODUCTION**

Kleinman asks this Court to dismiss this action under Rule 12(b)(3), for improper venue, “because the case was originally filed in the District of New Jersey before being filed in the Middle District of Louisiana.” [6-1 at 2] He relies for his argument solely on the first-to-file rule, but that rule is discretionary and does not apply here. Jones filed her complaints in this Court and in the District of New Jersey simultaneously. She specifically asserted that *this Court* has personal jurisdiction and that she filed in the District of New Jersey out of abundance of caution only, to preserve all rights. Now that Kleinman, by filing the instant motion, has waived objections to this Court’s personal jurisdiction, Jones can dismiss her New Jersey complaint. There is no risk of duplicative efforts. The concerns underlying the first-to-file rule are not present.

In the alternative, Kleinman asks this Court to transfer this action to the District of New Jersey under 28 U.S.C. § 1404(a)—but he fails entirely to address the factors a court considers when deciding whether to transfer an action to another court. Those factors do not support transfer. They require that this case be decided in Louisiana.

Kleinman himself observes: “A plaintiff’s choice of venue is entitled to deference.” [6-1 at 2 (citing *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315 (5th Cir. 2008)]. Here, Jones specifically chose *this Court* and said so in her New Jersey complaint. There now being no impediment to this Court’s personal jurisdiction over Kleinman, Jones’s choice can and should be honored.

## ARGUMENT

### 1. The first-to-file rule does not apply here.

The parties do not dispute the first-to-file rule’s basic premise: “when related cases are pending before two federal courts, the court in which the case was last filed may refuse to hear it if the issues raised by the cases substantially overlap.” *LifeNet, Inc. v. United States Dep’t of Health & Hum. Servs.*, 617 F. Supp. 3d 547, 555 (E.D. Tex. 2022) (quoting *Cadle Co. v. Whataburger of Alice, Inc.*, 174 F.3d 599, 603 (5th Cir. 1999)).

There is no dispute that Jones filed her complaint in this Court and in the District of New Jersey on the same day: November 26, 2024. The complaints themselves state that they are being filed simultaneously. [1 at ¶6; 6-2 at ¶6]

Kleinman’s motion relies for its argument on its representation that Jones technically filed her complaint in the District of New Jersey first. It is true that the New Jersey complaint bears an earlier time-stamp, 3:02 AM EST, but the time stamps do not tell the whole story. Jones attempted to file the Louisiana complaint first (she opened this civil case on November 25, 2024), but this Court’s CM/ECF system did not accept the PDF. Counsel had to wait for this Court’s clerk’s office to open to request remote assistance.<sup>1</sup> With assistance, this Court’s CM/ECF system finally

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<sup>1</sup> Exhibit A, email dated November 26, 2024 evidencing remote assistance.

accepted the PDF at 8:59 AM CST. These facts are distinguishable from the typical first-to-file situation.

Even if the time stamps were conclusive, the first-to-file rule is not automatic. It is discretionary only. *E.g., Harris Cnty., Tex. v. CarMax Auto Superstores Inc.*, 177 F.3d 306, 319 (5th Cir. 1999) (“such dismissal is committed to the district court’s discretion”). “Even when there is substantial overlap . . . the second-filed court may nonetheless decline to apply the first-to-file rule based on ‘compelling circumstances.’” *LifeNet, Inc.*, 617 F. Supp. 3d at 556 (quoting *Mann Mfg., Inc. v. Hortex, Inc.*, 439 F.2d 403, 408 (5th Cir. 1971)). “Exceptions [to the first-to-file rule] . . . ‘are not rare, and are made when justice or expediency requires.’” *Id.* at 557 (quoting *SIPCO, LLC v. Emerson Elec. Co.*, 2016 WL 7743496, at \*4 (E.D. Tex. July 1, 2016) (quoting *Genentech, Inc. v. Eli Lilly & Co.*, 998 F.2d 931, 937 (Fed. Cir. 1993), abrogated on other grounds by *Wilton v. Seven Falls Co.*, 515 U.S. 277, 115 (1995)).

Circumstances do not justify this Court’s applying the first-to-file rule here. The rule’s purpose is “to avoid the waste of duplication, to avoid rulings which may trench upon the authority of sister courts, and to avoid piecemeal resolution of issues that call for a uniform result.” *Cadence Bank v. GlobalVision Systems, Inc.*, 700 F.Supp.3d 461 (N.D. Miss. 2023) (citation omitted). Those concerns are not present here.

Jones has no desire to duplicate efforts. Jones’s New Jersey complaint expressly states that its simultaneous filing was “out of an abundance of caution only.” [6-2 at ¶6]. Kleinman has successfully challenged at least one federal court’s personal jurisdiction over him in a defamation case, *see Bittman v. Fox*, No. 14-C-08191, 2015 WL 5612061 (N.D. Ill. Sept. 23, 2015), and Jones anticipated that he would challenge this Court’s personal jurisdiction over him here. Jones’s New Jersey complaint specifically asserts that “Kleinman’s activities subject him to the jurisdiction of

Louisiana courts” [6-2 at ¶6 (emphasis added)] and that “[t]he U.S. District Court for the Middle District of Louisiana has personal jurisdiction over Kleinman” [6-2 at ¶12 (emphasis added)]. Nevertheless, leaving open the possibility that this Court might determine that it did not have personal jurisdiction over Kleinman, Jones’s New Jersey complaint was necessary “to preserve all rights” [6-2 at ¶19]. From the New Jersey complaint:

12. The U.S. District Court for the Middle District of Louisiana has personal jurisdiction over Kleinman because, as shown in this complaint, his purposeful contacts with the state of Louisiana give rise to Jones’s claims. *See Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359 (2021). Among other things:

13. He specifically directs his posts about Jones to a Louisiana audience, including Louisiana’s elected officials, who he tags.

14. He has appeared on Louisiana talk radio to talk about Jones.

15. He has traveled to Louisiana to speak about Jones at a ticketed event in Baton Rouge, where he was the featured guest.

16. He purports to have attended the annual Louisiana Library Association meeting for the purpose of encountering Jones.

17. He contacted Live Oak Middle School, Jones’s employer, at least twice. He made requests pursuant to the Louisiana Public Records Act for, among other things, records of Jones’s job performance.

18. He has implored the Louisiana Department of Education to revoke Jones’s teaching certificate and Livingston Parish parents to challenge it.

19. These purposeful contacts with the state of Louisiana notwithstanding, out of an abundance of caution, to preserve all rights, in addition to filing this lawsuit in the U.S. District Court for the Middle District of Louisiana, Jones also files it in the U.S. District Court for New Jersey.

Jones’s intention thus was clear. Her simultaneous filing was not “a forum-shopping maneuver.”

*E.g. Waguespack v. Medtronic, Inc.*, 185 F. Supp. 3d 916, 923 (M.D. La. 2016).

In addition to the foregoing statements in the New Jersey complaint, Jones’s counsel separately advised Kleinman’s counsel that Jones filed the New Jersey complaint “as a protective

measure” and invited some “agreement on personal jurisdiction.”<sup>2</sup> Kleinman filed the instant motion instead.

By filing the instant motion, however, Kleinman nevertheless has resolved the question of this Court’s personal jurisdiction over him. The instant motion invokes Rule 12(b)(3), the defense of improper venue, but it does not invoke Rule 12(b)(2), the defense of lack of personal jurisdiction. By failing to assert the defense of lack of personal jurisdiction in the instant motion, Kleinman has waived it.<sup>3</sup> If ever there was any question whether this Court has personal jurisdiction over Kleinman, there is no question now. The New Jersey complaint is no longer necessary and, upon the resolution of the instant motion in Jones’s favor, can be dismissed. All claims can be resolved by this Court. There is no risk of duplication, inconsistent rulings, or piecemeal litigation. Justice and expediency do not support application of the first-to-file rule.

## **2. The analysis required by § 1404(a) does not support transfer.**

Justice and expediency require that this case proceed in Louisiana.

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<sup>2</sup> Exhibit B, email dated December 17, 2024.

<sup>3</sup>“A party waives any defense listed in Rule 12(b)(2)-(5) by: (A) omitting it from a motion in the circumstances described in Rule 12(g)(2).” Fed. R. Civ. Pro. 12(h)(1). *See also Cruson v. Jackson Nat’l Life Ins. Co.*, 954 F.3d 240, 249 (5th Cir. 2020) (“Federal Rule of Civil Procedure 12(h)(1) relevantly provides that a party waives the defense of lack of personal jurisdiction by ‘omitting it from a motion in the circumstances described in Rule 12(g)(2).’ Fed. R. Civ. P. 12(h)(1)(A). Rule 12(g)(2) prohibits a party from a raising a defense ‘that was available to the party but omitted from its earlier [Rule 12] motion.’ Fed. R. Civ. P. 12(g)(2). Thus, lack of personal jurisdiction is waived if a party omits the defense from a Rule 12 motion and the defense was ‘available.’”); *Am. Ass’n of Naturopathic Physicians v. Hayhurst*, 227 F.3d 1104, 1106 (9th Cir. 2000) (“A fundamental tenet of the Federal Rules of Civil Procedure is that certain defenses under Fed. R. Civ. P. 12 must be raised at the first available opportunity or, if they are not, they are forever waived.”); *Casares v. Agri-Placements Int’l, Inc.*, 12 F. Supp. 3d 956, 966 (S.D. Tex. 2014) (“Under Federal Rule of Civil Procedure 12(b), a party may assert seven enumerated defenses by motion, including lack of personal jurisdiction under Rule 12(b)(2). These defenses may be joined together in a single motion, Fed. R. Civ. P. 12(g)(1), and “[a] motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed.” Fed. R. Civ. P. 12(b). Indeed, with certain exceptions not applicable here, once a party files a Rule 12 motion, it “[can]not make another motion under [Rule 12] raising a defense or objection that was available to the party but omitted from its earlier motion.” Fed. R. Civ. P. 12(g)(2). A party waives a defense under Rule 12(b)(2)-(5) by omitting it from a Rule 12 motion or neglecting to include it in a responsive pleading.”); *Orthoflex, Inc. v. ThermoTek, Inc.*, No. 3:10-CV-2618-D, 2013 WL 2284878, at \*1 (N.D. Tex. May 23, 2013) (“A party waives its personal jurisdiction defense by omitting it from a previously-filed motion to dismiss if the personal jurisdiction defense was available when the initial motion was made.”).

There is no dispute that this action “might have been brought” in New Jersey. [6-1 at 3 (citing *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 312 (5th Cir. 2008)]. But that fact is the beginning, not the end, of the analysis required by § 1404(a). The analysis required by § 1404(a) considers both private interest and public interest factors: “The private interest factors are: (1) the relative ease of access to sources of proof; (2) the availability of compulsory process to secure the attendance of witnesses; (3) the cost of attendance for willing witnesses; and (4) all other practical problems that make trial of a case easy, expeditious and inexpensive. The public interest factors are: (1) the administrative difficulties flowing from court congestion; (2) the local interest in having localized interests decided at home; (3) the familiarity of the forum with the law that will govern the case; and (4) the avoidance of unnecessary problems of conflict of laws or in the application of foreign law.” *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315 (5th Cir. 2008) (cleaned up; citation omitted).

Kleinman does not address any of these factors. None support transfer to New Jersey.

*Relative ease of access to sources of proof:* This is a defamation case, and Kleinman made all of the defamatory statements online. No one has to travel to New Jersey to prove the statements were made. The statements are about Jones, an elementary school librarian in Louisiana. To the extent Kleinman asserts truth as a defense or contests the extent of Jones’s injury, the sources of proof are in Louisiana.

*Availability of compulsory process to secure the attendance of witnesses:* Likely witnesses include persons who know Jones or know Jones’s reputation and persons to whom Kleinman’s statements were targeted. These persons are in Louisiana. (As alleged, Kleinman specifically directed his statements to a Louisiana audience. [1 at ¶¶ 3, 13-18, 84; 6-2 at ¶¶ 3, 13-18, 84])

Because the District of New Jersey is more than 100 miles from where these persons reside, it cannot compel these persons to testify at trial. *See* Fed. R. Civ. P. 45 (c)(1)(A), (d)(3)(A)(ii).

*Cost of attendance for willing witnesses:* “[I]t is an ‘obvious conclusion’ that it is more convenient for witnesses to testify at home and that ‘[a]dditional distance means additional travel time; additional travel time increases the probability for meal and lodging expenses; and additional travel time with overnight stays increases the time which these fact witnesses must be away from their regular employment.’” *In re Volkswagen of Am., Inc.*, 545 F.3d at 317 (citation omitted). “When the distance between an existing venue for trial of a matter and a proposed venue under § 1404(a) is more than 100 miles, the factor of inconvenience to witnesses increases in direct relationship to the additional distance to be traveled.” *Id.* (citation omitted). It follows that the cost of attendance for willing witnesses to travel to New Jersey is excessive.

*All other practical problems that make trial of a case easy, expeditious and inexpensive:* Everyone and everything relevant to this case is in Louisiana, save Kleinman, but Kleinman has now waived any objection to this Court’s personal jurisdiction over him. Litigation in Louisiana necessarily will be easier, more expeditious, and less expensive than in New Jersey.

*Administrative difficulties flowing from court congestion:* Jones is unaware of any congestion in this Court that would present administrative difficulties.

*Local interest in having localized interests decided at home:* Jones is a public-school educator in Louisiana, and Kleinman specifically directed his statements to a Louisiana audience. [1 at ¶¶ 3, 13-18, 84; 6-2 at ¶¶ 3, 13-18, 84] Louisiana has an interest in this case being decided at home. *See, e.g., Def. Distributed v. Bruck*, 30 F.4th 414, 435 (5th Cir. 2022) (“Important considerations include the location of the injury, witnesses, and the Plaintiff’s residence.”).

*Familiarity of the forum with the law that will govern the case:* Jones's claims arise under Louisiana law therefore this Court is more familiar with the law that will govern the case.

*Avoidance of unnecessary problems of conflict of laws or in the application of foreign law:* Jones is unaware of any unnecessary problems of conflict of laws in this case. This case does not require the application of foreign law.

In short, the question is not close. The analysis required by § 1404(a) does not support transfer to New Jersey. It requires that this case proceed here, in Louisiana.

### CONCLUSION

Kleinman has not stated a basis for dismissal or transfer, and in failing to do so further submitted to the personal jurisdiction of this Court. Jones respectfully asks the Court to deny Kleinman's motion, following which this case may proceed and Jones may dismiss her New Jersey complaint.

Respectfully submitted,

*/s/ Alysson Mills*

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*for Amanda Jones*

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of filing to all counsel of record.

January 23, 2025

*/s/ Alysson Mills*



Alysson Mills <alysson@alyssonmills.com>

## Remote Session

**Joshua Graham** <Joshua\_Graham@lamd.uscourts.gov>  
To: "alysson@alyssonmills.com" <alysson@alyssonmills.com>

Tue, Nov 26, 2024 at 8:45 AM

<https://uscmdl.beyondtrustcloud.com/?ak=31a729579b5d417ddcf1d6b79cdbfe7d>



### Joshua Graham

Systems Supervisor | Middle District of Louisiana  
(225) 389-3522 (*Office*)  
(225) 389-3532 (*FAX*)  
Joshua\_Graham@lamd.uscourts.gov

 Chat with me on Teams!



Alysson Mills <alysson@alyssonmills.com>

## Jones v. Kleinman | Request for Extension of Time

**Alysson Mills** <alysson@alyssonmills.com> Tue, Dec 17, 2024 at 12:53 PM  
To: Kylie Werk <krw@randazza.com>  
Cc: Marc Randazza <mjr@randazza.com>, Vincent Verdiramo <vincent@verdiramolaw.com>, kelmer@fishmanhaygood.com, Staff <staff@randazza.com>

That's fine. Note that we filed the NJ complaint as a protective measure. If there's an agreement on personal jurisdiction let us know.

Sent from my iPhone

On Dec 17, 2024, at 11:12AM, Kylie Werk <krw@randazza.com> wrote:

Hi all,

Just wanted to bump this and settle on an extension date, if possible. Thank you so much for your flexibility and understanding.

On Mon, Dec 16, 2024 at 6:13 PM Marc Randazza <mjr@randazza.com> wrote:

That is as reasonable as anyone could ever hope for. *But*, can I be a little pushy? I'm going to Bonaire until the 7th, and I *really* would rather scuba dive than do law while I am there. Would it be a terrible imposition to ask for an extension to the 21st of January? I realize you're being nice with the 21 days out of the gate, but I scuba dive to get my stress levels down... hook me up?

On Mon, Dec 16, 2024 at 5:47 PM Alysson Mills <alysson@alyssonmills.com> wrote:

Sure, through January 7? That's 21 days. Happy holidays. Alysson

On Mon, Dec 16, 2024 at 4:06 PM Kylie Werk <krw@randazza.com> wrote:

Hello,

My name is Kylie Werk, and I'm an attorney at Randazza Legal Group. We have just been retained in the Jones v. Kleinman matter in New Jersey and Louisiana. While the answer is due tomorrow, we are requesting a professional courtesy that you provide us with an extension of time to file an answer while we secure local counsel in both jurisdictions. Thank you.

--

**Kylie Werk | Randazza Legal Group**

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Tel: 786-800-3500 | Email: [krw@randazza.com](mailto:krw@randazza.com)  
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**Marc John Randazza, JD, MAMC, LLM\* | Randazza Legal Group**

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\* Licensed to practice law in Arizona, California, Florida, Massachusetts, and Nevada.

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

AMANDA JONES,  
Plaintiff,  
v.  
DAN KLEINMAN,  
Defendant.

Civil Action No. 3:24-CV-00972-BAJ-SDJ

**DEFENDANT’S REPLY MEMORANDUM IN  
SUPPORT OF MOTION TO DISMISS OR TO  
TRANSFER VENUE**

Defendant Dan Kleinman replies in support of his Motion to Dismiss or Transfer Venue.<sup>1</sup>

**1.0 INTRODUCTION**

Plaintiff alleges that she is an elementary school librarian and presents herself to the public as a nationally renowned anti-censorship advocate. ECF No. 1 at ¶ 2. However, despite voluntarily entering the arena of nationwide debate, she seems to chafe at being criticized and sues those who express unflattering opinions of her. Defendant Dan Kleinman is the current target of her SLAPP suit campaign.

Ms. Jones is so angry at Mr. Kleinman for his opinions that she sued him twice. On November 26, 2024, Plaintiff Amanda Jones sued Defendant Dan Kleinman in the U.S. District Court for the District of New Jersey for defamation and false light. *See* ECF No. 6-2. Approximately seven hours later, she filed the exact same Complaint in this Court. *See* ECF No. 6-4 at ¶¶ 5-6. The later-filed Complaint in Louisiana is not just similar to the New Jersey Complaint. It is word-for-word identical. *See* ECF Nos. 1 and 6-2.

Ms. Jones claims she filed the New Jersey Complaint “out of an abundance of caution only, to preserve all rights.” Opposition at 1. This is confusing. The “cautious” thing to do would be the

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<sup>1</sup> Filed pursuant to LR 7(f)

substantively correct thing – to file no lawsuit at all. However, failing that, the cautious thing to do would be the procedurally correct thing and file one lawsuit.

She also claims that the first-to-file “does not apply” to this matter. *Id.* at 2. However, she makes no effort to justify her decision to file the same suit in two different courts. Nor does she explain why the first-to-file rule should not apply to her. While she claims that she was afraid that Defendant Kleinman might file a jurisdictional motion to dismiss in this Court, that does not provide a reasonable basis for her to file the same Complaint in two different courts. *See id.* at ¶ 3. There is no allowance for “protective” duplicative lawsuits designed to prevent forum shopping. If this Court permits her conduct, then *every* litigant in a diversity case should simultaneously file in their home court and in the defendant’s home court. In the case of corporations, perhaps even three cases –where the plaintiff is, the principal place of business of the defendant, and the state of incorporation of the defendant. In multiple-party cases, this could increase exponentially, as multiple corporations could sue multiple corporations, in a shotgun approach, waiting to see which jurisdiction makes the more favorable ruling. As a protective measure (protective with respect to order, civil procedure, and the rule of law), this Court should not stamp its imprimatur upon this exotic new method of filing “just in case we lose in the other court” complaints. One case in one court at a time per case is how it has been and how it should be.

The case law in Louisiana and New Jersey is clear that, since the New Jersey Complaint was filed first, that case should proceed while this case should not. This may not be what Ms. Jones wants, but if she was truly being “cautious,” she would have only filed in the court where she wanted to litigate. Defendant’s Motion should be granted, and this case should either be dismissed or transferred to the U.S. District Court for the District of New Jersey.

## 2.0 ARGUMENT

### 2.1 This case should be dismissed or transferred for improper venue

*Res judicata* principles prohibit plaintiffs from “simultaneously prosecuting multiple suits involving the same subject matter against the same defendants.” *Armadillo Hotel Grp. v. Harris*, 84 F.4th 623, 628 (5th Cir. 2023). Courts protect defendants from “being harassed by repetitive actions based on the same claim.” *Id.* When an earlier suit involving the same facts and same claims is still pending when the plaintiff files a repetitive suit in another court, the relevant factors the court examines when determining whether to apply *res judicata* are “whether the parties are the same or in privity” and “whether the same claim or cause of action is involved in both suits.” *Id.* Here, both factors are present, and this case should be dismissed or transferred to New Jersey.

The parties and the causes of action in the Complaints that Ms. Jones filed in New Jersey and this Court are exactly the same. In fact, the Complaints themselves are word-for-word identical. Plaintiff does not dispute that she intentionally filed identical lawsuits in two Courts or that she filed the Complaint in New Jersey first.

Jones’ stated rationale for filing the exact same lawsuit in two different courts is that she thought Defendant Kleinman might move to dismiss in this Court. *See* Opposition at 4-5. However, she cites no authority supporting her decision to file the same case twice. None exists. If she thought that Mr. Kleinman might move to dismiss in this Court and she preferred to litigate here, she should have prepared to oppose and defend against a motion to dismiss. Ms. Jones claims that she filed a Complaint in this Court “as a protective measure only” because Mr. Kleinman “successfully challenged at least one federal court’s personal jurisdiction over him” in a 10-year old, unrelated case in the Northern District of Illinois based upon completely different facts. ECF No. 11-1 at 1. In other words, because Ms. Jones surmised that she might need to defend against a

jurisdictional motion to dismiss from Mr. Kleinman in Louisiana, she opted to intentionally file the exact same case in two different courts. What is the value of such a maneuver? It is odd. If she had filed here only, and Mr. Kleinman prevailed on a motion to dismiss on jurisdictional grounds, then she could simply re-file in a better jurisdiction. If she wanted to avoid motion practice like that, then she could have done what litigants do every day, and simply file against the defendant in a jurisdiction where she would not draw such a motion. There is no allowance for “protective” duplicative lawsuits designed to permit forum shopping. If this court approves of such conduct, then *every* litigant in a diversity case should simultaneously file in their home court and in the defendant’s home court. In the case of corporations, perhaps even *three* cases – one where the plaintiff is, the principal place of business of the defendant, and the state of incorporation of the defendant. In multiple-party cases, this could increase exponentially, as multiple corporations could sue multiple corporations, in a shotgun approach, waiting to see which jurisdiction makes the more favorable ruling. This court should not stamp its imprimatur upon this exotic new method of filing a “just in case we lose in the other court” complaints. One complaint at a time per case is how it has been and how it should be.

*Res judicata* principles and the first-to-file rule dictate that the earlier suit is the one that should survive. As noted in Defendant’s Motion, the “dates to compare for chronology purposes of the first-to-file rule are when the relevant *complaints* are filed.” *Baatz v. Columbia Gas Transmission, LLC*, 814 F.3d 785, 790 (6th Cir. 2016) (emphasis added); *see also Alltrade, Inc. v. Uniweld Prods., Inc.*, 946 F.2d 622, 633 (9th Cir. 1991) (holding that the first-to-file rule “allows a district court to transfer, stay, or dismiss an action when a similar *complaint* has already been filed in another court”) (emphasis added). Jones acknowledges that the New Jersey Complaint was “technically filed ... first.” Opposition at 2. While she claims it was due to technical issues in this

Court, she still made the decision to file two identical Complaints and to file first in New Jersey. She could have waited until her technical issues were resolved but did not. She could have waited a day to file, there was no rush. Better still, she could have only filed one case but, again, did not. Having made the decision to file two identical lawsuits, she must accept the consequences of that decision and abide the first filed rule.

In her Opposition, Jones argues that the first-to-file rule does not apply in this case but never explains why. *See* ECF No. 9 at 2-5. She acknowledges that courts only decline to apply the first-to-file rule when there are “compelling circumstances” to ignore it. *Id.* at 3. However, the only “compelling circumstance” that she identifies is that she believed Mr. Kleinman might challenge this Court’s personal jurisdiction. *See id.* This is not a “compelling circumstance” at all, and it certainly does not warrant disregarding the first-to-file rule.

The most common “compelling circumstance” causing courts to disregard the first-to-file rule is when one party fears that he is about to be sued and rushes to his jurisdiction of choice to file a declaratory judgment action before his opponent files suit in her preferred jurisdiction. *See, e.g., Pontchartrain Partners, LLC v. Tierra De Los Lagos, LLC*, 48 F.4th 603, 606 (5th Cir. 2022), citing *Missions Ins. Co. v. Puritan Fashions Corp.*, 706 F.2d 599, 602 n.3 (5th Cir. 1983). That is not what happened here. Amanda Jones is Plaintiff in both cases. Dan Kleinman is Defendant in both. Ms. Jones’ only reason for arguing the first-to-file rule should not apply is that she would rather be in Louisiana. However, this is a problem of her own making. She chose to sue Mr. Kleinman twice and to file in New Jersey first. Moreover, by filing in New Jersey, she unquestionably consented to the New Jersey court exercising jurisdiction over her. *See Maiz v. Virani*, 311 F.3d 334, 340 (5th Cir. 2002).

If anything, “compelling circumstances” dictate that this case should be dismissed or transferred to New Jersey. Mr. Kleinman relied upon the first-to-file rule when preparing to defend himself in New Jersey and Louisiana. Because of the rule, he only moved to dismiss or transfer this case. In New Jersey, he answered her Complaint, filed a Motion for First-Filed Injunction, and prepared a motion to dismiss pursuant to New Jersey’s anti-SLAPP law. In other words, Mr. Kleinman already relied upon that rule. Ms. Jones is seeking to use that reliance to his detriment. She should not be permitted to do so.

## **2.2 Section 1404 supports transfer of this case to New Jersey**

In her Opposition, Ms. Jones acknowledges “that this action ‘might have been brought’ in New Jersey.” Opposition at 6. In fact, it *was* brought in New Jersey. By her. As noted in Plaintiff’s Motion, “[w]hether the suit ‘might have been brought’ in the proposed transferee district is the first question.” Motion at 3, citing *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315 (5th Cir. 2008). Given that Ms. Jones not only filed her case in New Jersey but filed it there *before* she filed this case, that should be the end of the Court’s analysis. The factors that Ms. Jones chides Defendant Kleinman for not analyzing only make sense to apply when the defendant is attempting to transfer the case outside of a forum that the plaintiff chose. But here, Plaintiff *chose* to litigate in New Jersey and cannot complain about being “forced” to litigate there.

This Court should not entertain Jones’ attempt to distance herself from her decision to file in New Jersey. By doing so, she waived any 1404 arguments. *See Olberding v. Illinois C.R. Co.*, 340 U.S. 338, 340 (1953); *see also Duke v. Flying J, Inc.* 178 F. Supp. 3d 918, 921 (N.D. Cal. 2016) (By “choosing a particular forum to commence the action, a plaintiff is generally considered to have waived objections to proceeding in that forum.”) Jones chose to file her Complaint with the District of New Jersey. As such, she has waived any objection to proceeding there.

Defendant will briefly discuss the private and public interest factors courts typically consider in motions brought under section 1404 in case this Court decides to consider them. The private interest factors are: (1) ease of access to sources of proof; (2) availability of process to secure the attendance of witnesses; (3) cost of attendance for willing witnesses; and (4) any other practical issues. *See In re Volkswagen of Am., Inc.*, 545 F.3d at 315. The public interest factors are: (1) administrative difficulties flowing from court congestion; (2) local interest in deciding cases at home; (3) familiarity of the forum with the law that will govern; and (4) avoidance of unnecessary problems of conflicts of law or application of foreign law. *See id.*

With regard to the private interest factors, Jones argues that all sources of proof are in Louisiana because she is simply “an elementary school librarian in Louisiana.” Opposition at 6. She is much more than that. Jones is a national figure. She has written a book that Amazon describes as a “NATIONAL BESTSELLER.” (*See* Amazon listing for “That Librarian” by Amanda Jones, attached to the Declaration of Ronald Green (“Green Decl.”) as **Exhibit 1**) She is the subject of a documentary produced by famous actress Sarah Jessica Parker. (*See* Martin, Dale, “Sarah Jessica Parker on Producing Sundance Doc about Librarians Fighting Book Bans,” *Variety* (Dec. 12, 2024), attached to the Green Decl. as **Exhibit 2**) She is a public figure who has inserted herself into the national conversation and can hardly be described as a simple elementary school librarian in Louisiana.

Jones’ national prominence suggests that her witnesses and sources of proof are not all located in Louisiana, as she would lead the Court to believe. In the Opposition, she makes no effort to identify any character witnesses or other persons who will not be available if the case is heard in New Jersey. *See* Opposition at 6. Moreover, Kleinman did not “specifically direct his statements to a Louisiana audience.” *Id.* Jones is a national figure with a national (likely international)

audience. In any case, even if this case were only about Louisiana, and it is not, these are issues Jones should have considered *before* she elected to file suit in New Jersey.

Regarding the public interest factors, Jones again attempts to portray herself as a “public-school educator” in Louisiana as the primary reason that this case can only proceed in Louisiana. *See* Opposition at 8-9. Again, she has turned herself into a national figure and sought national and international publicity for her self-described anti-censorship advocacy. This is not solely a case about local, Louisiana interests, as Jones tacitly acknowledged when she filed it in New Jersey, which is where it should proceed.

### **3.0 CONCLUSION**

Based upon the arguments contained in his Motion to Dismiss or to Transfer and this Reply in support of the Motion, Defendant Dan Kleinman respectfully requests that the Court grant his Motion and either transfer this case to New Jersey or dismiss it.

Dated: February 6, 2025 .

Respectfully Submitted,

/s/ Heather Cross

Heather Cross

The Cross Law Firm

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Baton Rouge, LA 70806

Tel: (225) 256-0366

Email: hcross@lawacrossla.com

*Attorneys for Defendants.*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2025, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Heather Cross  
Heather Cross

# **Exhibit 1**

Amazon listing for  
*That Librarian*

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All book banning amanda jones

EN

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# That Librarian: The Fight Against Book Banning in America

Hardcover – August 27, 2024

Amanda Jones (Author)

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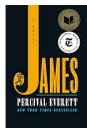
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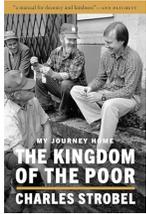
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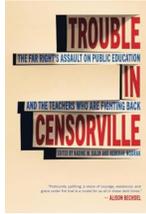


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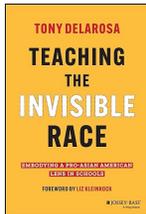


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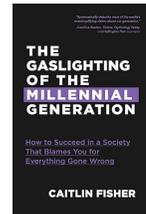
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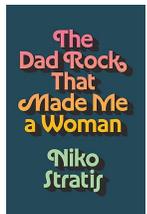


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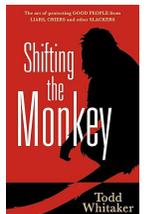
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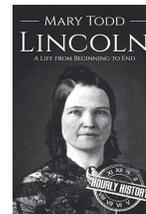
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"In her memoir, award-winning school librarian Jones delves into how she was subjected to a hate campaign after speaking out against censorship attempts at her local public library ... Jones's deeply personal account of her battle to regain her reputation and combat intolerance in libraries is essential reading and ultimately a clarion call for others to help defend intellectual freedom and democracy." —*Library Journal, Starred Review*

"The First Amendment is written into the Constitution of the United States; yet it needs defending everywhere. Jones's book, in its simplicity and clarity, is a testament to that." —*Financial Times*

"*That Librarian* is revelation. But it's more than an exposé about hate and its effects on principled people. It's also a gripping memoir ... In Amanda Jones, the American public has a bold truth-teller." —*The Washington Review of Books, Favorite Books of 2024*

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## About the Author

**Amanda Jones** has been an educator for 23 years, at the same middle school she attended as a child. She has served as President of the Louisiana Association of School Librarians and won numerous awards for her work in school libraries, including *School Library Journal* Librarian of the Year. A sought-after keynote speaker, Amanda is a frequent volunteer for state and national library associations, as well as a co-founder of the Livingston Parish Library Alliance and founding member of Louisiana Citizens Against Censorship. She lives in Livingston Parish, Louisiana.

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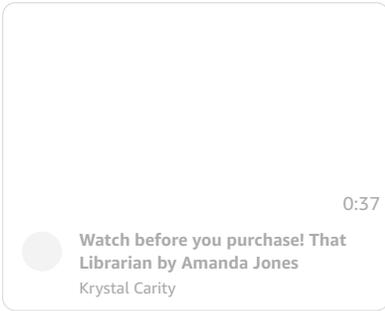
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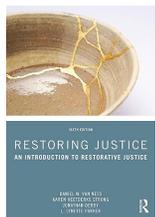
Amanda M Jones is currently the school librarian at the same school she attended as a child, where she has worked for the past 23 years. Amanda made national headlines in 2022 when she was targeted by extremists in her town for speaking out at a public library board meeting. She decided to fight back

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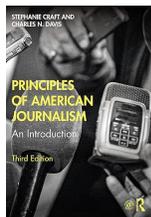
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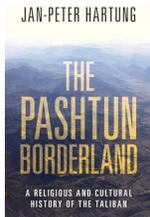
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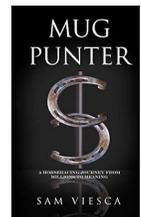
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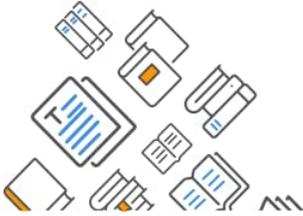
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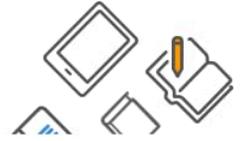
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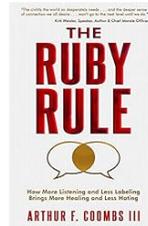


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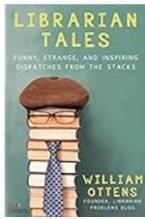
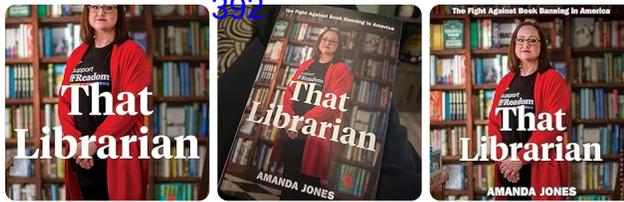
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Written by a school librarian who spoke against censorship at a public library board meeting, this shows the lies and harassment spread against her by far right groups trying to remove all items they disagree with. Fear is their tool in school and public libraries across the US. Another example of "not all heroes wear capes".

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Helpful

Report

George Jacobs

#### Standing Up for Inclusion

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This book is about conflicts over which books should be available in school libraries, as well as public libraries. It's about a librarian who spoke out on the need to have a wide range of age-appropriate books that promote inclusion for a wide range of students.

Amanda Jones is That Librarian who works in the school library of a middle school (students approximately 12-14 years old) in a town in the U.S. state of Louisiana. She had been a student at the same school, and she has taught or been a librarian at the school for about 20 years.

The story begins in 2022 when Amanda spoke up at a school board meeting in favor of diversity in the books available to students. Soon death threats began arriving over the internet.

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MaggieB1727

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Verified Purchase

I hope more people read this book and find out how important it is to be involved in your school board, who is on it, and what they are doing. if Moms for Liberty continue to get elected, they have their own agenda which supports book banning and can lead to interference with school curriculum. Their views can also incur legal expenses for your district that take away from educational resources. They also can monopolize school board meetings and thereby take up time that could be better spent devoted to important school issues.

I gave this three stars because I felt there was a lot of personal information included that although is important to be aware of, it could have been condensed and been more impactful.

Helpful Report

Frequent shopper

### Seeking the Truth

Reviewed in the United States on January 29, 2025

Verified Purchase

Everyone interested in the United States desire to strip of us our freedoms should read this book.

Helpful Report

Irene

### That Librarian

Reviewed in the United States on January 10, 2025

Verified Purchase

The book was a gift to my daughter-in-law who is a media specialist. She had heard of the book and was excited to receive it. She has had to fight against books being banned in her school district.

Helpful Report

Vickie Woodard

### GUTS

Reviewed in the United States on January 29, 2025

Amanda Jones has stood up to people who put their values above the values of others.

I'm most impressed by the people who stand in her corner, ready to fight those who get their 'news' from social media.

Helpful Report

tree hugger

### Book banning is unAmerican.

Reviewed in the United States on January 1, 2025

Verified Purchase

I did receive this book.

Helpful Report

[See more reviews >](#)

## Top reviews from other countries

Jim KABLE

### Ignorance on the Rise in the US

Reviewed in Australia on October 4, 2024

Verified Purchase

The fight against the Christian fascists and their unhealthy and prurient interest in sexual matters is a relatively recent phenomenon. One librarian details her efforts to protect the moral and ethical position of librarians and libraries in the US over the past two years. An extraordinary tale of the abuse and character assassination she has suffered - from "Christians"! Jesus would be highly displeased - as He was with the moneylenders in the forecourt of the Temple. I highly recommend this book. Her opponents are of the same ilk as those who had Kurt Vonnegut's classic anti-war novel Slaughter-house-Five pulled from shelves in Florida!

Report

Dale Harris

### Interesting take on book banning

Reviewed in Canada on October 24, 2024

Verified Purchase

Good trad on a new culture idea of what should or should not be read

Report

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# **Exhibit 2**

*Variety* Article on  
Sarah Jessica Parker's  
Sundance Documentary

# Sarah Jessica Parker on Producing Sundance Doc About Librarians Fighting Book Bans: 'They Have Put Their Lives at Risk'

[Martin Dale](#) Dec 12, 2024 5:54am PT

*Courtesy of Ernesto S. Ruscio/Getty Images for Red Sea Film Festival*

Through her shingle [Pretty Matches Productions](#), [Sarah Jessica Parker](#) is executive producing Kim A. Snyder's "The Librarians," one of 91 films in Sundance's 2025 Premieres lineup.

The feature documentary follows a group of librarians, dubbed FReadom Fighters, who have resisted book bans in Texas, Florida and beyond. It is produced by Snyder, Jana Edelbaum and Janique Robillard, and exec produced by Parker, Pretty Matches co-founder Alison Benson and Maria Cuomo Cole.

"It's about the librarians across our country who've been fighting against these book bans," Parker explains to *Variety* at the [Red Sea Film Festival](#). "They have been standing up to the ideology that prevents children from having access to certain books and they have put their own lives and their family's lives at risk, but they have not backed down."

Parker's commitment to the world of books and reading began as a child, and she says that her love of books is one of the key traits that she shares with her most famous on-screen character, "Sex and the City's" Carrie Bradshaw.

## Popular on Variety

That passion inspired Parker to start a book club and her own publishing company. It also recently led to her recent [appointment](#) to the judges panel of the prestigious U.K. literary award, the Booker Prize.

Parker became aware of "The Librarians" through producer Edelbaum ("Beyond Utopia: Escape From North Korea"). "She came to us because she was working on this documentary, and they were looking for extra funding to establish a more robust team, and we loved it," Parker says.

The documentary feature follows the work of the FReadom Fighters movement, founded in October 2021 by Texas school librarians including Becky Calzada and Carolyn Foote after Texas lawmaker Rep. Matt Krause targeted 850 books to be removed from the state's libraries, leading to bans on books such as "Catcher in the Rye" and "To Kill a Mockingbird."

As the book-banning momentum expanded nationwide, so did the FReadom Fighters ranks, who organized meetings and created a Twitter/X account with 6,000 followers that published over 13,000 tweets about how books can change lives.

The documentary's central character is Amanda Jones, a school librarian in southern Louisiana, who recently wrote "That Librarian — The Fight Against Book Banning in America," published in 2024 by Bloomsbury. "It's a fantastic book, and we follow her struggles," explains Parker.

Snyder previously directed the Peabody award-winning documentary "Newtown," which premiered at Sundance in 2016; "Lessons from a School Shooting: Notes from Dunblane" which premiered at Tribeca in 2018; and "Us Kids," which was nominated for the 2020 Sundance Grand Jury Prize.

Parker has executive produced a wide array of projects through Pretty Matches Productions, including the "Sex and the City" spinoff "And Just Like That," fiction projects starring Parker such as HBO's Golden Globe-nominated "Divorce" and "Blue Night, and non-fiction projects such as "And Just Like That... The Documentary" (2022).

The shingle is casting a widening net as it seeks out new projects. Parker and Benson were executive producers, together with Bart Meuter and Jay Ruderman, on Miriam Guttman's "Front Row," produced by Lea Fels and Isidor Roebbers. About a group of Ukrainian ballet dancers in exile who cast a front-line soldier who lost both his legs in a battle on the Ukrainian border with Russia, the film premiered at the 2024 DocNYC film festival.

"I have a particular interest in ballet since I serve on the board of the New York City Ballet and I was a ballet dancer," Parker says. "I was watching the news when I came upon this story of the Ukrainian dancers who had been forced to leave their homes and formed this dance company in the Netherlands. I shared the story with Alison, and we did some research and found out there was a film crew with them, so we jumped into the project. When this Ukrainian soldier joined the company, the documentary took on a life of its own. It's pretty exquisite."

Parker says she has acquired adaptation rights to several books, including one for a limited series, and is ramping up development on other projects: "In addition to the show, we currently have a bunch of non-scripted documentaries, two scripted projects and a movie that we're going to do next year."

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

AMANDA JONES,  
  
Plaintiff,  
  
v.  
  
DAN KLEINMAN,  
  
Defendant.

Civil Action No. 3:24-CV-00972-BAJ-SDJ

**DECLARATION OF RONALD D. GREEN, JR.**

I, Ronald D. Green, Jr., being duly sworn, depose and state the following under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I know the facts set forth herein, and if called as a witness, could and would testify thereto.

2. I am a partner with Randazza Legal Group, PLLC and have been a member in good standing of the Nevada Bar since 2000. Our firm is counsel for Defendant Dan Kleinman in this matter and in parallel proceedings in New Jersey.

3. This Declaration is submitted in support of Defendants’ Reply in Support of Motion to Dismiss or Transfer Venue.

4. Attached hereto as Exhibit 1 is a true and correct copy of the Amazon listing for Amanda Jones book, *That Librarian*, describing it as a NATIONAL BESTSELLER.

5. Attached hereto as Exhibit 2 is a true and correct copy of a *Variety* article discussing a documentary about Plaintiff Jones produced by the actress Sarah Jessica Parker.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 6, 2025.

/s/ Ronald D. Green  
RONALD D. GREEN