

I.

INTRODUCTION

1. On or about November 25, 2008, Plaintiff Terry Hobbs (“Plaintiff” or “Hobbs”) filed a Complaint in the 9th Division of the Circuit Court of Pulaski County, Arkansas, Cause No. CV 08-13038 (the “Complaint”) against Pasdar, individually, and Pasdar, Robison, and Seidel doing business as the Dixie Chicks.

2. Defendants attach as Exhibit A to this Notice a copy of the entire Pulaski County Circuit Clerk file, CV 08-13038, as well as copies of all documents received by Defendants in connection with this cause, consisting of the Summons, Complaint and any exhibits filed with the Complaint, and Defendants’ Original Answer.

3. In his Complaint, the Plaintiff seeks recovery based on causes of action for defamation, defamation *per se*, intentional infliction of emotional distress, and false light invasion of privacy. Specifically, Plaintiff alleges that Defendants defamed him, intentionally inflicted emotional distress and placed him in a false light by publishing “malicious, libelous, slanderous and false statements concerning Plaintiff over the world-wide internet via an open letter on the Defendant Dixie Chick’s[sic] website” and that Defendant Pasdar, individually, “made other statements that amounted to a false and reckless claim” at a “rally on the steps of the Arkansas State Capitol.” Complaint at ¶¶ 14, 17.

4. Plaintiff served the Complaint and Summons upon Defendants through agent Russell A. Jones via certified mail, return receipt requested. Defendants, through Russell A. Jones, received the Complaint and Summons on December 12, 2008.

5. No act of Congress prohibits the removal of this cause, and this cause is removable under 28 U.S.C. § 1441, *et. seq.*

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6. The United States District Court for the Eastern District of Arkansas, Western Division, embraces the county in which the Action is pending. Therefore, this Court is the proper court to which this Action should be removed pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446(b).

7. This Notice of Removal is timely, as it is filed within thirty (30) days after receipt by Defendants of the initial pleading on which the aforesaid action is based pursuant to Rule 6(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1446(b).

8. The basis for subject matter jurisdiction in this Court is diversity of citizenship under 28 U.S.C. § 1332(a). As set forth below, this Court has jurisdiction because it is a civil action with complete diversity between Plaintiff and Defendants, and the amount in controversy exceeds the sum of \$75,000.

II.

DIVERSITY OF CITIZENSHIP

9. This Court has original jurisdiction over this civil action on the basis of diversity of citizenship as provided in 28 U.S.C. § 1332. Complete diversity of citizenship between the parties to this action existed at the time of the incidents alleged in the Petition, at all times thereafter, and still exists at the time of this removal.

10. On information and belief, Plaintiff Terry Hobbs is and was at the time this suit commenced a citizen of the State of Tennessee residing in Memphis, Shelby County. Complaint at ¶ 1.

11. Defendant Pasdar is and was at the time this suit commenced a resident and citizen of the State of California.

12. Defendant Seidel is and was at the time this suit commenced a resident and citizen

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of the State of Texas.

13. Defendant Robison is and was at the time this suit commenced a resident and citizen of the State of Texas.

14. Accordingly, complete diversity exists among the parties to the action pursuant to 28 U.S.C. § 1332(a).

III.

AMOUNT IN CONTROVERSY

15. The Plaintiff has not specifically articulated the amount in controversy in the Action or asserted any specific dollar amounts for the separate alleged damages in the Complaint. Plaintiff has alleged injuries to his person and business and in his personal and business reputation. Plaintiff alleges compensatory damages for embarrassment, humiliation, severe psychological, emotional and mental trauma, loss of income and other compensatory damages. Plaintiff also seeks to recover punitive damages. Complaint at ¶¶ 29-31.

16. In the Eighth Circuit, the diversity jurisdiction requirement that the amount in controversy be greater than \$75,000 is satisfied when “a fact-finder could legally conclude . . . that the damages that the plaintiff suffered are greater than \$75,000.” *Kopp v. Kopp*, 280 F.3d 883, 885 (8th Cir. 2002). The damages must not necessarily be greater than the jurisdictional amount; rather, the question is “whether a fact-finder might legally conclude they are.” *Id.*

17. Where damages are unspecified in the Complaint, a defendant may meet this burden by establishing that plaintiff’s verdict may reasonably exceed that amount; the defendant’s burden may also be met if it is facially apparent that claims are likely above the amount. *Gilmer v. Walt Disney Co.*, 915 F. Supp. 1001, 1007 (W.D. Ark. 1996). “In making the determination in a diversity case, the court looks to state law to determine the nature of and

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extent of the right to be enforced as well as the state measure of damages and the availability of special and punitive damages.”¹ *Id.* at 1005. Both compensatory and punitive damages are included in the amount in controversy consideration. *Larkin v. Brown*, 41 F.3d 387, 388 (8th Cir. 1994).

18. “A removing defendant may satisfy its burden to show that the plaintiff’s claim meets the amount in controversy requirement by presenting decisions rendered in comparable cases.” *Robertson v. 1859 Historic Hotels, Ltd.*, 2007 WL 1288678 at * 3 (E.D. Ark.) (citing *Haynes v. Louisville Ladder Group, LLC*, 341 F. Supp. 2d. 1064, 1069 (E.D. Ark. 2004)) (comparing plaintiff’s claim to other similar ladder fall cases and holding that the amount in controversy requirement was satisfied).

19. Several comparable defamation cases in Arkansas, Texas, and Tennessee illustrate that the potential size of claims asserted by the Plaintiff may reasonably exceed the \$75,000. In an Arkansas case alleging defamation, false light and intentional infliction of emotional distress over a tabloid newspaper’s use of a woman’s photograph, a *reduced* judgment of \$150,000 in compensatory damages was awarded for humiliation, embarrassment, mental suffering and harm to reputation even after the Eighth Circuit ordered an unspecified “substantial” remittitur. *Mitchell v. Globe Int’l Pub’g, Inc.*, 817 F. Supp. 72, 74-75 (W.D. Ark. 1993). The jury’s punitive damages award of \$850,000 was upheld. *Id.* at 73.

20. The Texas Supreme Court similarly upheld a remittitur judgment for \$150,000 in compensatory damages for mental anguish alone in a defamation case brought against a talk show host who described a judge as “corrupt,” a “criminal” and “oughta be in jail.” *Bunton v.*

¹ No determination has been made as of yet regarding which state’s substantive law will apply to the Plaintiff’s claims. Nonetheless, under all three states’ law, an adverse judgment may reasonably exceed the \$75,000 threshold based on the claims the Plaintiff brings.
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Bentley, 153 S.W.3d 50, 53 (Tex. 2004). On remand, the original jury awards of \$1,000,000 in exemplary damages and \$150,000 for harm to reputation were also held to be reasonable.

Bunton v. Bentley, 176 S.W.3d 21, 22. (Tex. App. – Tyler 2005, cert denied).

21. In a libel case in Tennessee alleging that a critical report about an architectural firm maliciously published false statements, a court upheld awards of \$150,000 for emotional distress based upon the plaintiff's alleged humiliation and depression and \$100,000 in punitive damages despite not finding evidence to support awards of pecuniary losses or harm to reputation. *Myers v. Pickering Firm, Inc.*, 959 S.W.2d 152, 165-66 (Tenn. Ct. App. 1997).

22. The Plaintiff has alleged similar damages resulting from allegedly defamatory statements. These cases demonstrate that the Plaintiff's claims of compensatory damages for embarrassment, humiliation, severe mental, psychological, emotional and mental trauma alone, if proven true, could reasonably exceed the \$75,000 threshold. The fact that the Plaintiff also seeks unspecified recovery for harm to personal and business reputation, loss of income and punitive damages conclusively establishes that the amount in controversy reasonably exceeds \$75,000. Therefore, the amount in controversy requirement for purposes of diversity jurisdiction is satisfied in this case.

V.

NOTICE OF FILING

23. Pursuant to 28 U.S.C. §1446(d), Defendants are filing copies of this Notice of Removal with the clerk of the 9th Division of the Circuit Court of Pulaski County, Arkansas, in which the action is currently pending, and serving Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d) with such copies.

24. No admission of fact, law or liability is intended by the filing of this notice, (all

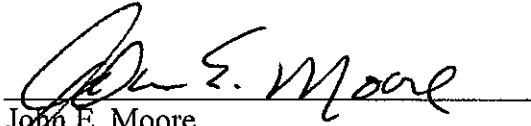
such liability being expressly denied) and all defenses, motions and pleas are expressly reserved.

25. For the foregoing reasons this action is removed to this Court, pursuant to 28 U.S.C. § 1441.

Dated: January 7, 2009

Respectfully submitted,

By:


John E. Moore
State Bar No. 82111

Huckabay, Munson, Rowlett
and Moore, P.A.
Regions Center
400 W. Capitol, Suite 1900
Little Rock, AR 72201
(501) 374-6535

Dan D. Davison
Federal Pro Hac Vice Pending
D'Lesli M. Davis
Federal Pro Hac Vice Pending

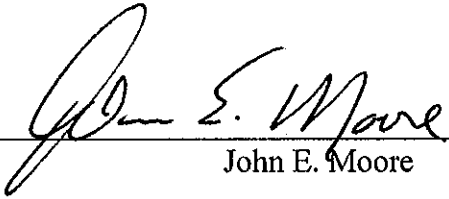
Fulbright & Jaworski L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
Telephone: (214) 855-8000
Facsimile: (214) 855-8200

ATTORNEYS FOR DEFENDANTS,
NATALIE PASDAR, INDIVIDUALLY, AND
NATALIE PASDAR, EMILY ROBISON,
AND MARTHA SEIDEL d/b/a DIXIE
CHICKS

CERTIFICATE OF SERVICE

I, John E. Moore, hereby certify that a copy of the foregoing was served in compliance with the Federal Rules of Civil Procedure on all counsel of record on the 7th day of January, 2009 as noted below:

J. Cody Hiland
Hiland Law Firm, P.A.
557 Locust Ave.
Conway, AR 72034
Telephone: (501) 932-1007
Facsimile: (501) 796-8688



John E. Moore

State of Arkansas
Pulaski County Circuit Court
Office of the County Courthouse
401 W. Markham
Little Rock, Arkansas 72201

CASE NO.: CV 2008 013038

DIV: 9TH - HON. MARY MCGOWAN

SUMMONS
(NOTICE OF LAWSUIT)

PLAINTIFFS
TERRY HOBBS
, ET AL

DEFENDANT
NATALIE PASDAR INDIVIDUALLY

PLAINTIFFS'S ATTORNEY
J. CODY HILAND
299 South Broadview
P.O. Box 1106
Greenbrier, AR 72058

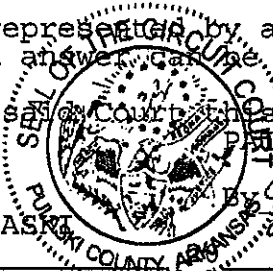
DEFENDANT'S ADDRESS

THE STATE OF ARKANSAS TO THE ABOVE NAME DEFENDANT(S) :

1. You are hereby notified that a lawsuit has been filed against you by the above named plaintiff(s); The relief asked is stated in the attached complaint.
2. The attached complaint will be considered admitted by you and a judgment by default may be entered against you for the relief asked in the complaint unless you file a written response or answer and thereafter appear and present your defense. Your pleading or answer must meet the following requirements:
 - A. It must be in writing, and otherwise comply with the Arkansas Rules of Civil Procedure.
 - B. It must be filed in the Pulaski County Circuit Clerk's Office within TWENTY (20) days from the day you were served with this summons.
 - C. A copy of your response must be delivered or mailed to the plaintiff or his attorney.

3. If you desire to be represented by an attorney you should immediately contact your attorney so that an answer can be filed for you in the time allowed

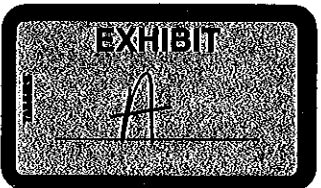
WITNESS my hand and the seal of said Court this _____ day: November 25, 2008
_____ PAT O'BRIEN, Circuit Clerk



STATE OF ARKANSAS, COUNTY OF PULASKI
On this _____ day of _____, at _____ o'clock
_____ .M., I have duly served the summons by delivering a copy thereof (or
stating the substance thereof), together with a copy of the complaint, to
_____ such person being:

- CHECK APPLICABLE SQUARE:
- the person named therein as defendant
 - some person residing at defendant's dwelling house or usual place of abode who is at least 14 years old, namely _____
 - the duly designated agent for service of process for the defendant, namely _____
 - OTHER: _____

By: _____, SHERIFF
Deputy Sheriff



State of Arkansas
Pulaski County Circuit Court
Office of the County Courthouse
401 W. Markham
Little Rock, Arkansas 72201

CASE NO.: CV 2008 013038

DIV: 9TH - HON. MARY MCGOWAN

SUMMONS
(NOTICE OF LAWSUIT)

PLAINTIFFS
TERRY HOBBS
, ET AL

DEFENDANT
NATALIE PASDAR

PLAINTIFFS'S ATTORNEY
J. CODY HILAND
299 South Broadview
P.O. Box 1106
Greenbrier, AR 72058

DEFENDANT'S ADDRESS

THE STATE OF ARKANSAS TO THE ABOVE NAME DEFENDANT(S) :

1. You are hereby notified that a lawsuit has been filed against you by the above named plaintiff(s); The relief asked is stated in the attached complaint.
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3. If you desire to be represented by an attorney you should immediately contact your attorney so that an answer can be filed for you in the time allowed

WITNESS my hand and the seal of said Court this day: November 25, 2008
PAT O'BRIEN, Circuit Clerk



By Janice Williams D.C.

STATE OF ARKANSAS, COUNTY OF PULASKI
On this _____ day of _____, at _____ o'clock
_____.M., I have duly served the summons by delivering a copy thereof (or
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_____ such person being:

CHECK APPLICABLE SQUARE:

- the person named therein as defendant
- some person residing at defendant's dwelling house or usual place of abode who is at least 14 years old, namely _____
- the duly designated agent for service of process for the defendant, namely _____
- OTHER: _____

By: _____, SHERIFF
Deputy Sheriff

State of Arkansas
Pulaski County Circuit Court
Office of the County Courthouse
401 W. Markham
Little Rock, Arkansas 72201

CASE NO.: CV 2008 013038

DIV: 9TH - HON. MARY MCGOWAN

SUMMONS
(NOTICE OF LAWSUIT)

PLAINTIFFS
TERRY HOBBS
, ET AL

DEFENDANT
EMILY ROBINSON

PLAINTIFFS'S ATTORNEY
J. CODY HILAND
299 South Broadview
P.O. Box 1106
Greenbrier, AR 72058

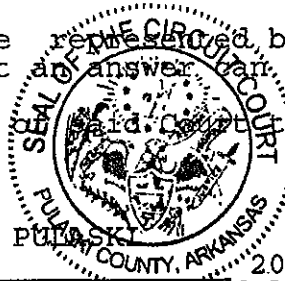
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this day: November 25, 2008
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By: _____, SHERIFF
Deputy Sheriff

State of Arkansas
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401 W. Markham
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CASE NO.: CV 2008 013038

DIV: 9TH - HON. MARY MCGOWAN

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(NOTICE OF LAWSUIT)

PLAINTIFFS
TERRY HOBBS
, ET AL

DEFENDANT
MARTHA SEIDEL

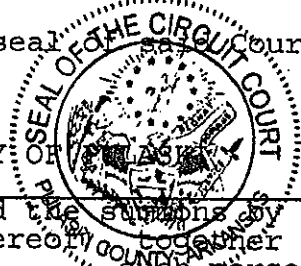
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By Jamie Williams D.C.

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abode who is at least 14 years old, namely _____
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OTHER: _____

By: _____, SHERIFF
Deputy Sheriff

State of Arkansas
Pulaski County Circuit Court
Office of the County Courthouse
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CASE NO.: CV 2008 013038

DIV: 9TH - HON. MARY MCGOWAN

SUMMONS
(NOTICE OF LAWSUIT)

PLAINTIFFS
TERRY HOBBS
, ET AL

DEFENDANT
DIXIE CHICKS

PLAINTIFFS'S ATTORNEY
J. CODY HILAND
299 South Broadview
P.O. Box 1106
Greenbrier, AR 72058

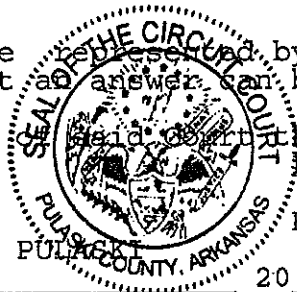
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WITNESS my hand and the seal of said court this day: November 25, 2008



PAT O'BRIEN, Circuit Clerk

By Jamie Williams D.C.

STATE OF ARKANSAS, COUNTY OF PULASKI
On this ___ day of _____, 20___, at _____ o'clock
___M., I have duly served the summons by delivering a copy thereof (or
stating the substance thereof), together with a copy of the complaint, to
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 the person named therein as defendant
 some person residing at defendant's dwelling house or usual place of
abode who is at least 14 years old, namely _____
 the duly designated agent for service of process for the defendant,
namely _____
OTHER: _____

By: _____, SHERIFF
Deputy Sheriff

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
9th DIVISION

TERRY HOBBS

PLAINTIFF

VS.

CASE NO. CV-08-13038

FILED 25/11/25/08 16:35:42
Pat O'Brien Pulaski Circuit Clerk
CR7 By [Signature]

NATALIE PASDAR, Individually;
NATALIE PASDAR, EMILY ROBINSON
MARTHA SEIDEL d/b/a DIXIE CHICKS

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, Terry Hobbs, by and through his attorney, J. Cody Hiland, and for his cause of action against the Defendants, states as follows:

I.

JURISDICTION

1. Plaintiff is a private citizen and resident of Memphis, Tennessee.
2. Defendant, Emily Robinson is a citizen and resident of San Antonio located in Bexar County Texas.
3. Defendant, Natalie Pasdar is a citizen and resident of Austin located in Travis County Texas.
4. Defendant, Martha Seidel is a citizen and resident of Austin located in Travis County Texas.
5. Each of the above referenced Defendants, d/b/a Dixie Chicks, have systematically and continuously done business in Arkansas by promoting and selling music in Arkansas at retail, over the internet and by performance in Arkansas.
6. The Court has jurisdiction over the parties and over the subject matter of this Complaint, and venue is proper in this Court.

II.

FACTUAL ALLEGATIONS

7. That the Plaintiff was the stepfather of Steve Branch, now deceased.
8. That on or about May 5, 1993, the bodies of Steve Branch, Christopher Byers and Michael Moore were discovered in Robin Hood Hills located in Crittenden County Arkansas.
9. That Steve Branch, Christopher Byers and Michael Moore were severely beaten about their heads and faces and brutally murdered.
10. That Damien Echols, Jessie Misskelley and Jason Baldwin were charged and convicted of the murders of Steve Branch, Christopher Byers and Michael Moore.
11. That the convictions of Damien Echols, Jessie Misskelley and Jason Baldwin have not been reversed on direct appeal.
12. That Damien Echols has been unsuccessful in seeking a retrial based on what he has characterized as "new" DNA evidence believed to be sufficient to cast doubt on his conviction.
13. That the case involving Damien Echols, Jessie Misskelley and Jason Baldwin (hereinafter referred to as the "West Memphis Three") has attracted national attention focused on the sufficiency of the evidence used in achieving the convictions.
14. That on or about November 26, 2007, Defendant, Natalie Pasdar recklessly published or caused to be published malicious, libelous, slanderous, and false statements concerning Plaintiff over the world-wide internet via an open letter on the Defendant Dixie Chick's website.

15. That Defendant's letter, when taken as a whole, accused Plaintiff of committing the murder of Steve Branch, Christopher Byers and Michael Moore. A copy of the letter is attached hereto as Exhibit "A".

16. That the aforementioned libelous, slanderous, and false statements by the Defendant were republished by numerous media outlets and prominently viewed websites including, but not limited to, *Fox News*, *The Commercial Appeal* in Memphis Tennessee, *People*, *Huffington Post*, *Free Republic* and *ABC News*.

17. That on or about December 19, 2007, Defendant, Natalie Pasdar was a featured speaker at a "Free the West Memphis Three" rally on the steps of the Arkansas State Capitol in Little Rock Arkansas in which she reiterated her position that the recent DNA and forensic results had "given this case wings" and made other statements that amounted to a false and reckless claim that Plaintiff committed the murders of Steve Branch, Christopher Byers and Michael Moore.

18. That the Defendant's Little Rock Arkansas appearance and statements attracted significant media attention and were widely printed, disseminated and broadcast to an expansive audience.

19. That Defendant's repeated libelous publications concerning the involvement of the Plaintiff in the murders of Steve Branch, Christopher Byers and Michael Moore were not based on fact and, in fact, were false and reckless at the time of publication.

III.

CAUSES OF ACTION

A.

DEFAMATION/LIBEL

20. Plaintiffs re-allege paragraphs one through nineteen as if fully set out herein.

21. The acts of the Defendants as set forth hereinabove are libelous and libelous *per se* and defamed Plaintiff, causing him to suffer personal injuries, injury to his reputation and professional and business damages for which he is entitled to recover compensatory and punitive damages as determined by a jury.

B.

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGEOUS
CONDUCT**

22. Plaintiffs re-allege paragraphs one through twenty-one as if fully set out herein.

23. Plaintiff alleges that the aforementioned wrongs constitute intentional, reckless and/or negligent infliction of emotional distress and are actions that are so outrageous in character, and so extreme in degree, as to be beyond the pale of decency and to be regarded as atrocious and utterly intolerable in civilized society, thereby resulting in severe emotional, mental, and physical injuries entitling Plaintiff to recover compensatory and punitive damages to be determined by the jury.

C.

FALSE LIGHT INVASION OF PRIVACY

24. Plaintiffs re-allege paragraphs one through twenty-three as if fully set out herein.

25. The acts of the Defendants placed the Plaintiff in a false light and were a false light invasion of Plaintiff's privacy as recognized in Arkansas.

26. Defendants gave publicity to matters concerning the Plaintiff which were false and/or which placed the Plaintiff before the public in a false light, which were and are highly offensive to any reasonable person, and the Defendants had knowledge or should have known that the publicized matters were false or each and all acted recklessly and with reckless disregard as to the falsity of the matter they were publicizing and the false light in which the Plaintiff would be and was placed.

27. As a direct and proximate result of the wrongful acts of the Defendants herein, acting in a manner specifically designed to harm and damage the Plaintiff and his person, did, by invading his privacy and casting him in a false light commit the tort of false light invasion of privacy causing the Plaintiff to suffer mental and emotional distress and other special damages which he is entitled to recover.

IV.

DAMAGES

28. Plaintiffs re-allege paragraphs one through twenty-seven as if fully set out herein.

29. As a direct and proximate result of the wrongful acts set forth hereinabove by the Defendants, the Plaintiff, Terry Hobbs, a respected, private citizen, was injured in his person and business and in his personal and business reputation.

30. As the direct and proximate result of the false, malicious and libelous information published by the Defendants about him, Plaintiff has suffered embarrassment, humiliation, and severe psychological, emotional, mental trauma, loss of income and other compensatory damages in an amount to be determined by a jury.

31. Plaintiff is entitled to recover punitive damages.

WHEREFORE, Plaintiff sues the Defendants for compensatory and punitive damages and demands a jury to try this case when the issues are joined and for all other just and proper relief to which he may be entitled.

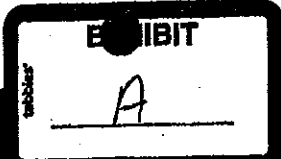
RESPECTFULLY SUBMITTED this the 25th day of November, 2008.

TERRY HOBBS

BY: 

J. CODY HILAND, Bar No. 2002041
Attorney for Plaintiff
557 Locust Ave.
Conway, AR 72034
Phone: (501) 932-1007
Fax: (501) 336-8688
Email: chilandlaw@alltel.net

Dixie Chicks



November 26, 2007
Letter from Natalie Maines: WM3 Call to Action

I'm writing this letter today because I believe that three men have spent the past 13 years in prison for crimes they didn't commit.

On May 5th, 1993 in West Memphis, Arkansas three 8 eight-year-old boys, Steve Branch, Christopher Byers, and Michael Moore were murdered.

Three teenage boys, Damlen Echols, Jesse Misskelley, and Jason Baldwin were convicted of the murders in 1994: Jason Baldwin and Jesse Misskelley received life sentences without parole, and Damlen Echols sits on death row.

I encourage everyone to see the HBO documentaries, Paradise Lost and Paradise Lost 2 for the whole history of the case.

I only discovered the films about 8 months ago, and when I finished Paradise Lost 2 I immediately got online to make sure that these three wrongly convicted boys had been set free since the films were released. My heart sank when I learned that the boys were now men and were still in prison. I couldn't believe it.

I searched for answers as to what had been done and what was being done to correct this injustice. I donated to the defense fund and received a letter from Damlen Echols wife, Lorri. She is a lovely woman who has dedicated her time and heart to her husband. I was glad to hear that after so many years of fighting for justice it looked like things were finally happening. Below, I have written what the DNA and forensics evidence shows. I hope after reading it and looking at the WM3.org website, you will know that the wrong guys are sitting in jail right now, and feel compelled to help.

Inspired and determined to see the justice system work, many people have worked on this case pro bono for the past 13 years. However, there are still costs that go along with the struggle to freeing these three men.

There has been a wonderful resurgence of interest by the media for this case, but nobody mentions the need for funds. Donations to the defense fund are desperately needed. DNA and forensics tests are expensive. They are also what will finally set these men free. Due to so many people's passion and generosity, what would normally be a case that costs millions is costing a fraction of that. I know around the holidays we all get inundated with deserving causes and charities that are in need of donations, but this can't wait!

With all of the new evidence things are finally moving, and fast!

Any money that you can donate is desperately needed to pay for the experts and the federal court hearing that is just weeks away. There is also a letter campaign that has been started by a new and energized group of people in Arkansas. [Click here](#) to download the sample letter. Signing and sending this letter makes it very difficult for this case to be ignored. Please mail the letters to the following address:

Arkansas Take Action
Capi Peck, Coordinator
P.O. Box 17788
Little Rock, AR 72222-7788

After so many years it literally all comes down to this hearing.

The evidence is so strong that at the very least the judge will grant a new trial, but hopefully he will overturn the verdict and these guys will finally be sent home to their lives and families. I know that this is a hard thing to just take my word on, so please look at the case and the evidence for yourself. I am confident that you will see the DNA evidence is irrefutable and that these three men did not get the kind of trial that is promised to us - as Americans.

The system hasn't only failed Damlen, Jesse, and Jason, but it has failed the three little boys that were murdered. Their killer(s) is still out there, and justice has yet to be served. Please know that your generosity will make a difference.

Please know that your generosity will make a difference.

Sincerely,
Natalie Maines Pasdar

The following is just some of the DNA and forensic evidence that will be presented in the federal court hearing.

In late October, legal papers were filed in federal court in Arkansas showing that Damlen Echols was wrongfully convicted. The 200-page court filing includes DNA evidence that fail to link any of the three boys

to the crime scene. This is very important because the prosecution claimed that Echols had sodomized the victims.

-DNA tests also show that a hair belonging to Terry Hobbs, the step-father of one of the victims, was found in the ligature of one of the victims.

-DNA tests also match a hair at the crime scene to a friend of Hobbs that was with him that day.

-DNA test results show foreign DNA-from someone other than Echols, Misskelly, or Baldwin-on the penises of two of the victims.

-Scientific analysis from some of the nation's leading forensics experts, stating that wounds on the victims' bodies were caused by animals at the crime scene-not by knives used by the perpetrators, as the prosecution claimed. These wounds were the centerpiece of the prosecution's case, and evidence was presented that a knife recovered from a lake near one defendant's home caused the wounds.

-Sworn affidavits outlining new evidence uncovered by Pam Hobbs (the ex-wife of Terry Hobbs) who found a knife in Terry Hobbs' drawer that her son (one of the victims) had carried with him at all times. After her son was killed, the knife was not among his personal effects that police gave to the Hobbs family, and Pam Hobbs always assumed that her son's murderer had taken it during the crime.

-New information implicating Terry Hobbs-including his own statements made to police in recent interviews where he acknowledged that several of his relatives suspect him in the crime. The filing also includes a chronology of Hobbs' activities on the night of the crimes, when he washed his clothes and sheets at odd hours for no reason other than to hide evidence from the crimes.

-A sworn affidavit that refutes hearsay evidence from Echols' trial. The mother of one of two girls who testified that they overheard Echols admit to the crime at a softball game now says that Echols' statement was not serious and that neither she nor her daughter believes he committed the crime.

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**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
9th DIVISION**

TERRY HOBBS

PLAINTIFF

v.

CV NO.: 08-013038

**NATALIE PASDAR, Individually, and
NATALIE PASDAR, EMILY ROBISON, and
MARTHA SEIDEL d/b/a DIXIE CHICKS**

DEFENDANTS

DEFENDANTS' ORIGINAL ANSWER

Defendants Natalie Pasdar, Individually, and Natalie Pasdar, Emily Robison and Martha Seidel d/b/a Dixie Chicks respond to Plaintiff Terry Hobbs' ("Hobbs") Complaint and for same would show as follows:

I.

ANSWER

Jurisdiction

1. Based on information and belief, Defendants admit the factual allegations contained in paragraph 1 of Plaintiff's Complaint.
2. Defendants admit the allegations in paragraph 2 of Plaintiff's Complaint.
3. Defendants deny the factual allegations in paragraph 3 of Plaintiff's Complaint. Ms. Pasdar is a citizen of the State of California.
4. Defendants admit the factual allegations contained in paragraph 4 of Plaintiff's Complaint.

5. Defendants admit the factual allegations contained in paragraph 5 of Plaintiff's Complaint.

6. Defendants deny the allegations contained in paragraph 6 of the Complaint, and deny that the Circuit Court of Pulaski County, Arkansas has jurisdiction in this matter, because Defendants have properly removed this matter to the United States District Court for the Eastern District of Arkansas, Western Division.

Factual Allegations

7. Upon information and belief, Defendants admit the factual allegations contained in paragraph 7 of Plaintiff's Complaint.

8. Upon information and belief, Defendants admit the factual allegations contained in paragraph 8 of Plaintiff's Complaint.

9. Upon information and belief, Defendants admit the factual allegations contained in paragraph 9 of Plaintiff's Complaint.

10. Upon information and belief, Defendants admit the factual allegations contained in paragraph 10 of Plaintiff's Complaint.

11. Upon information and belief, Defendants admit the factual allegations contained in paragraph 11 of Plaintiff's Complaint.

12. Defendants admit upon information and belief, that a retrial or reversal of the convictions has not yet been obtained based upon the new evidence.

13. Upon information and belief, Defendants admit the factual allegations contained in paragraph 13 of Plaintiff's Complaint.

14. Defendants deny the factual allegations contained in paragraph 14 of Plaintiff's Complaint.

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15. Defendants deny the factual allegations contained in paragraph 15 of Plaintiff's Complaint.

16. Defendants do not possess sufficient information to admit or deny the facts and allegations in paragraph 16 of Plaintiff's Complaint and therefore deny same.

17. Defendants admit that Pascar spoke at a rally in Little Rock, Arkansas on December 19, 2007. Defendants deny the remaining factual allegations contained in paragraph 17 of Plaintiff's Complaint.

18. Defendants do not possess sufficient information to admit or deny the factual allegations contained in paragraph 18 of Plaintiff's Complaint and therefore deny same.

19. Defendants deny the factual allegations contained in paragraph 19 of Plaintiff's Complaint.

Defamation/Libel

20. Defendants incorporate their responses to paragraphs 1 through 19 the same as if set forth at length.

21. Defendants deny the factual allegations contained in paragraph 21 of Plaintiff's Complaint.

Intentional Infliction of Emotional Distress/Outrageous Conduct

22. Defendants incorporate their responses to paragraphs 1 through 21 the same as if set forth at length.

23. Defendants deny the factual allegations contained in paragraph 23 of Plaintiff's Complaint.

False Light Invasion of Privacy

24. Defendants incorporate their responses to paragraphs 1 through 23 the same as if set forth at length.

25. Defendants deny the factual allegations contained in paragraph 25 of Plaintiff's Complaint.

26. Defendants deny the factual allegations contained in paragraph 26 of Plaintiff's Complaint.

27. Defendants deny the factual allegations contained in paragraph 27 of Plaintiff's Complaint.

Damages

28. Defendants incorporate their responses to paragraphs 1 through 27 the same as if set forth at length.

29. Defendants deny the factual allegations contained in paragraph 29 of Plaintiff's Complaint.

30. Defendants deny the factual allegations contained in paragraph 30 of Plaintiff's Complaint.

31. Defendants deny the factual allegations contained in paragraph 31 of Plaintiff's Complaint.

32. Defendants deny that Hobbs is entitled to any of the relief requested in his prayer for relief.

33. To the extent not expressly admitted, Defendants deny all paragraphs and allegations not specifically admitted herein above.

II.

SEPARATE AND ADDITIONAL DEFENSES

34. Defendants Emily Robison and Martha Seidel are not liable in the capacity in which they are sued.

35. Plaintiff has failed to state a claim upon which relief can be granted to the extent Plaintiff brings claims for libel, libel per se, defamation, intentional infliction of emotional distress and outrageous conduct, false light invasion of privacy, and punitive damages.

36. Defendants' actions were legally justified because they constituted a bona fide exercise of their constitutional and first amendment rights. All statements Defendants allegedly made were part of an official report and/or a public meeting, and/or Defendants' actions constituted a protected comment on matters of public interest. Accordingly, Defendants' actions are excused and/or privileged.

37. Plaintiff is a public figure.

38. The matters complained of by the Plaintiff were published without actual malice or any other degree of fault required by the First and Fourteenth Amendments to the United States Constitution and Article II, § 6 of the Constitution of Arkansas.

39. Punitive damages are unconstitutional under the First and Fourteenth Amendments to the United States Constitution and under Article II, § 6 of the Constitution of Arkansas. The statements complained of by the Plaintiff were published in good faith without any sort of malice or any other degree of fault required by the First and Fourteenth Amendments to the United States Constitution, Article II, § 6 of the Constitution of Arkansas, and Arkansas Code Annotated § 16-55-206. Accordingly, said matters cannot provide a basis for a claim of punitive damages.

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40. Plaintiff is not entitled to punitive damages because he has not pled and cannot show the requisite elements for a punitive damage award.

41. Plaintiff's claims are barred because the statements complained of are true and/or substantially true.

42. Alternatively, Plaintiff's claims are barred because Defendants were fully and/or conditionally justified and/or privileged to make the subject statements and take the subject action.

43. The allegedly defamatory statements and any statements related thereto, are privileged pursuant to Article II, § 6 of the Constitution of Arkansas, the First Amendment of the United States Constitution and at common law.

44. Plaintiff cannot satisfy his burden of proof in this case to show that Defendants knew or should have known any statement made was false.

45. Plaintiff cannot satisfy his burden of proof in this case to show that the content of any statement made by Defendants was foreseeably defamatory.

46. The allegedly defamatory statements are expressions of opinion and/or were statements made in good faith on a subject matter in which Defendants had a common interest with Plaintiff.

47. Plaintiff cannot show that he suffered any actual injury because of any statement made by Defendants.

48. Defendants affirmatively plead entitlement to all defenses and relief available to it under the Arkansas Civil Justice Reform Act, Act 649 of 2003.

III

JURY DEMAND

Defendants request a trial by jury on all matters to the full extent allowed by law.

WHEREFORE, Defendants Pasdar, individually, and Pasdar, Robison and Seidel d/b/a as Dixie Chicks respectfully request that Plaintiff take nothing by reason of this suit, that Defendants recover their attorneys' fees, costs, and other damages, and for such other and further relief, both in law and at equity, to which Defendants may show they are justly entitled.

Dated: January 7, 2009

Respectfully submitted,

By: 

John E. Moore

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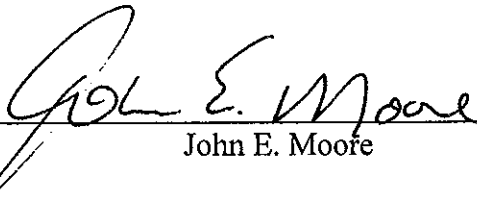
ATTORNEYS FOR DEFENDANTS,
NATALIE PASDAR, INDIVIDUALLY, AND
NATALIE PASDAR, EMILY ROBISON,
AND MARTHA SEIDEL d/b/a DIXIE
CHICKS

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CERTIFICATE OF SERVICE

I, John E. Moore, hereby certify that a copy of the foregoing was served in compliance with the Arkansas Rules of Civil Procedure on all counsel of record on the 7th day of January, 2009 as noted below:

J. Cody Hiland
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John E. Moore