

<b>DISTRICT COURT, ARAPAHOE COUNTY</b> Arapahoe County Justice Center 7325 S. Potomac Street Centennial, Colorado 80112	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<b>Plaintiff(s):</b> TAMEIRA LEE HOLLANDER, M.D.  v.  <b>Defendant(s):</b> BARBARA A.B. BAILEY, JOHN W. BAILEY, and CHRISTINE BAKER	
<b>Counsel for Plaintiff:</b> Irving G. Johnson, Esq., #1423 Lauren E. Dorweiler, Esq., #40322 Pryor Johnson Carney Karr Nixon, P.C. 5619 DTC Parkway, Suite 1200 Greenwood Village, Colorado 80111-3061 Telephone: (303) 773-3500; Facsimile: (303) 779-0740 Email: <a href="mailto:ijohnson@pjckn.com">ijohnson@pjckn.com</a> Email: <a href="mailto:ldorweiler@pjckn.com">ldorweiler@pjckn.com</a>	Case No.: 08CV2229 Division: 407
<b>TAMEIRA L. HOLLANDER, M.D.'S MOTION FOR CONTEMPT CITATION AND  REQUEST FOR FORTHWITH RULING</b>	

COMES NOW, Tameira L. Hollander, M.D. ("Dr. Hollander"), by her counsel Pryor Johnson Carney Karr Nixon, P.C. and respectfully requests this Court to enter a contempt citation against Defendant Christine Baker ("Ms. Baker"). In support thereof, Dr. Hollander states the following:

1. Dr. Hollander filed her Verified Complaint and Jury Demand, alleging defamation and intentional infliction of emotional distress on October 17, 2008. Contemporaneously, Dr. Hollander filed a Motion for Temporary Restraining Order.
2. This Court granted Dr. Hollander's Motion for Temporary Restraining Order on October 21, 2008 and a hearing was set for October 30, 2008.

3. After the hearing on October 30, 2008, John and Barbara Bailey agreed to remove any and all libelous postings from the internet. They have complied with this agreement and have cooperated with Plaintiff to remove such websites. They contacted Ms. Baker and requested that she remove her posting. Ms. Baker refused to comply with their request.
4. It is notable that Ms. Baker does not know Dr. Hollander. She has never been treated by Dr. Hollander, nor has she ever had any contact, verbal or otherwise, with Dr. Hollander.
5. When Ms. Baker refused to comply with the Court Order and remove negative references to Dr. Hollander from her website, Plaintiff lawfully and properly served Ms. Baker on December 12, 2008.
6. On December 12, 2008, Ms. Baker was informed, by way of the court documents served upon her, that she was ordered to remove the reference to Dr. Tameira Hollander from her website, and remove any other negative references to Dr. Tameira Hollander from the internet.
7. In the time since Ms. Baker was served, she has removed the material from her original website [www.creditsuit.org](http://www.creditsuit.org) and replaced it with a reference to her new website: <http://doctor-tameira-hollander-litigation.info>, posting the following statements:
  - “Colorado doctor Tameira Hollander obtained a Court Order requiring that I remove this blog.”
  - **“That the judge would issue a restraining order without ANY evidence whatsoever is extremely suspicious.”**
  - “Did they bribe the judge?”

(See **Exhibit 1**, [creditsuit.org](http://creditsuit.org) homepage).

8. Ms. Baker has created an entirely new website, entitled <http://doctor-tameira-hollander-litigation.info>, where she has been documenting her progress in the instant case and posting negative and untrue statements about Dr. Hollander. (See **Exhibit 2**, <http://doctor-tameira-hollander-litigation.info> homepage).
9. Her new website is in direct violation of the Court Order requiring her to remove all negative references to Dr. Hollander from the internet. Her website contains the following statements:
  - “The Colorado doctor who SUES to eliminate all criticism and unfavorable reviews to rewrite history.”
  - “Dr. Tameira Hollander killed free speech.”

- "...based on Dr. Hollander's web submission, subsequent failure to respond and perjury, I believe the Baileys' claims of neglect and incompetence are very likely to be true."
- "We need to expose bad doctors and can't let lawyers erase legitimate criticism."
- "Dr. Hollander committed perjury..."
- "Dr. Tameira Hollander and her attorneys attempted to intimidate Ms. Baker into rewriting history and creating the false appearance that Dr. Hollander was never accused of almost killing a patient."

See **Exhibit 2**.

10. By posting these negative comments on her new website, Ms. Baker is violating the Court Order.
11. Counsel for Dr. Hollander attempted to resolve the matter with Ms. Baker by offering to withdraw the lawsuit if Ms. Baker would remove references to Dr. Hollander on her website. Instead of agreeing to this, Ms. Baker has persisted in posting negative and derogatory comments about Dr. Hollander and her attorneys on the website. Ms. Baker wrote the following in an email to Dr. Hollander's counsel, which she subsequently posted on her website:

- "I will continue to publicize the issues and I will seek restitution."
- "Since this is clearly a harassment lawsuit, the allegations are entirely false AND Dr. Hollander committed perjury, I will publicize this lawsuit to make it THE free speech case."
- "Bad doctors KILL patients and a doctor who files frivolous and harassment lawsuits, commits perjury and is not capable of properly completing a simple contact form and submitting her correct email address should NOT be treating patients."
- "There is no logic, it's just how I am. I don't choose the easiest path to make the most money. I don't spread my legs just because it hurts less. I'm not a slave and I'm not a coward. "

See **Exhibit 3**, email from Ms. Baker to Ms. Dorweiler, dated January 6, 2009.

12. Instead of removing the references, Ms. Baker has chosen to violate the Court Order and has posted new information regarding the lawsuit, Dr. Hollander, and her attorneys several times every week.
13. Ms. Baker is deliberately harassing Plaintiff and her counsel. On information and belief, Ms. Baker has a history of harassing people over the internet. Other victims of Ms. Baker's deliberate harassment have been in contact with Plaintiff.

14. Additionally, Ms. Baker has accused Dr. Hollander and/or her attorneys of harassing her by posing as a "Matthew Hilton," who, according to Ms. Baker, has been harassing her by email. Ms. Baker has threatened filing a harassment claim and made the following remarks in her email to Dr. Hollander's counsel:

- "Are you going to have me killed?"
- "...is doctor Tameira Hollander on drugs and pretending to be Mr. 'Hilton'?"
- "I will be filing a harassment complaint unless you ensure that the harassment stops IMMEDIATELY and PERMANENTLY."
- "I have not yet done an asset search for her, I have not searched for her home, her family, her kids, pictures, etc. Where do you want me to take this?"

See **Exhibit 4**, email from Ms. Baker to Plaintiff's counsel, dated January 19, 2009.

15. Ms. Baker has also threatened severe bodily harm to anyone who enters her property in an attempt to serve her with documents:

- Ms. Baker decided to purchase a gun and to implement security measures and the next person to terrorize her will learn a painful lesson.

See **Exhibit 5**, paper copy of: <http://doctor-tameira-hollander-litigation.info/news/2009/01/press-release-blogger-seeks-attorney/#more-176>

16. Ms. Baker is interfering with the dignity of the Court by questioning its reasoning in granting Plaintiff's temporary restraining order.

17. C.R.C.P. 107(a)(1) provides, in pertinent part, that the following shall constitute contempt:

"Disobedience or resistance by any person to or interference with any lawful writ, process, or order of the court; or any other act or omission designated as contempt by the statutes or these rules."

18. This Court can access Ms. Baker's website (<http://doctor-tameira-hollander-litigation.info>) to determine that Ms. Baker is in **direct** contempt of the Court Order. Ms. Baker's violation of the Court Order is accessible to anyone who has access to the internet. Ms. Baker has directly acknowledged this Court by questioning its motive in granting Plaintiff's Motion for Temporary Restraining Order.

19. Direct contempt is defined in C.R.C.P. 107 (a)(2) as:

“Contempt that the court has seen or heard and is so extreme that no warning is necessary or that has been repeated despite the court’s warning to desist.”

20. Under C.R.C.P. 107(a)(4), the Punitive Sanctions for Contempt include punishment by unconditional fine, fixed sentence of imprisonment, or both, for conduct that is found to be offensive to the authority and dignity of the Court.

21. Under C.R.C.P. 107(a)(5), the Remedial Sanctions for Contempt include sanctions imposed to force compliance with a lawful or to compel performance of an act within the person’s power or present ability to perform.

22. Under C.R.C.P. 107(b), when a direct contempt has been committed, it may be punished summarily. Under the circumstances of this case, Ms. Baker’s refusal to comply with the Court Order and further offend the authority and dignity of the Court by questioning the Court’s reasoning in granting the Order and suggesting that the court was bribed places Ms. Baker in contempt of court.

23. This Court has jurisdiction to issue a contempt citation against Ms. Baker because she has “purposefully availed” herself to the forum. *See generally, Weise v. Casper*, 2008 WL 4838682 (D. Colo. 2008). Ms. Baker has been intentionally harassing and making negative statements about Dr. Hollander, who is a resident of Colorado. Ms. Baker has been acting in direct violation of the Court Order requiring her to remove negative references about Dr. Hollander from the internet. Ms. Baker’s website accuses Dr. Hollander as being the “Colorado doctor who SUES to eliminate all criticism and unfavorable reviews to rewrite history.” Ms. Baker has clearly subjected herself to jurisdiction in Colorado.

24. Plaintiff respectfully requests that this Court enter and Order a Citation of Contempt against Ms. Baker. Concomitant with the entry of this Order and Citation, the Court should issue a bench warrant for the arrest of Ms. Baker, which warrant shall direct the Sheriff to apprehend Ms. Baker and bring her immediately before the Court for the imposition of punitive and/or remedial sanctions. Because Ms. Baker is a resident of Arizona, undersigned counsel has filed a proposed Letter Rogatory contemporaneously with this Motion for the Court’s consideration.

25. Prior to the imposition of any sanctions, Ms. Baker shall have the right to make a statement in mitigation.

Respectfully submitted, January 29, 2009.

**PRYOR JOHNSON CARNEY KARR NIXON, P.C.**

*Duly signed copy on file at the law offices of  
Pryor Johnson Carney Karr Nixon, P.C.*

/s/ Irving G. Johnson

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2009 a true and correct copy of the foregoing **TAMEIRA L. HOLLANDER, M.D.'S MOTION FOR CONTEMPT CITATION** was filed with the Court and served via *LexisNexis File & Serve* to the following via 1<sup>st</sup> Class U.S. Mail postage prepaid properly addressed as follows:

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By: /s/ Janet Hone