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February 25, 2003

Nick Cooper, Tish Stringer, Jackson Allers,
Renee Feltz, Ernesto Aguilar
419 Lovett Boulevard
Houston, Texas 77006

Re: Libel suit

Greetings:

Attached to this correspondence is the court action that will be filed Monday morning, March 3, 2003, in the event that we do not enter into the Release and Compromise of Claims and Causes of Action, which is also enclosed within this mail packet.

The case should be very straightforward. Your statement of July 4, 2003 is libelous. You allowed it to be published in many arenas. When ask to rectify the situation defiantly insincere and wholly inadequate attempts were made that tended to compound the damage to me. You permitted other malicious defamatory posts to remain on the Houston Independent Media Web Site in violation of that collective's editing protocols. All of this tends to show negligence or malice, making this a very strong case.

You have only one way to beat it. That is to show that I really did make misleading and false statements and that I am one who would intentionally or would be more likely than not produce a news piece that would be "boldly slanderous, libelous or not news worthy." Therein lies the problem. You cannot produce such proof.

Your statement of July 4, 2002 is false. As such it is libelous. The continued presence of the statement continues the libel and the damage done thereby. This is the real world and there are real consequences for wrongful behavior.

I trust you will understand the seriousness of you actions in this matter. To continue to refuse to rectify the situation only adds to the damage that has already been done by you.

I look forward to hearing from you in this regard, but in the event that I do not, suit will be filed Monday morning.

Best regards,



Loel Coleman

Cause No. _____

LOEL COLEMAN } IN THE DISTRICT COURT OF
v. } BRAZORIA COUNTY, TEXAS
NICK COOPER, et.al. } _____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND
REQUEST FOR INJUNCTION**

TO THE HONORABLE COURT:

Loel Coleman, plaintiff, complains of Nick Cooper, Tish Stringer, Renee Feltz, Ernesto Aguilar, and Jackson Allers, defendants, and for cause of action shows:

I.

All defendants are residents of Houston, Harris County, Texas and may be served with process at Radio Station KPFT, 419 Lovett Boulevard, Houston, Texas, 77006
It is intended that discovery be conducted under Level 1 as prescribed by Texas Civil Procedure Rule 190.1.

II.

On July 4, 2002, defendants made defamatory statements concerning the plaintiff on the official web site of the Houston Independent Media Center and in other places. In response to a suggested news story by plaintiff, defendants published a statement that, in summary, accused plaintiff of making misleading and false statements regarding certain actions taken by defendants and stated that plaintiff would more likely than not, or would intentionally produce, a news piece that was boldly libelous or slanderous and that would not be newsworthy. In particular, article stated:

a.) Such a story seemed likely to violate HIMC's Editing Protocol #3, which prohibits pieces that "are boldly slanderous, libelous or personal" and "are not news worthy." ...

We consider any allegations that HIMC Radio workgroup members were Inappropriately influenced, censored or "gagged" by KPFT Station Manager Duane Bradley, conflicts of interest, or "threats" from Mr. Johnston to be misleading and false.

These statements constitute statutory libel because they tended to injure the plaintiff's reputation and expose the plaintiff to public hatred, contempt, ridicule, and financial injury, and impeached his honesty and integrity.

A true and correct copy of the defamatory writing is attached to this petition as Exhibit A and incorporated by reference.

III.

Additionally, defamatory statements about plaintiff made by others were allowed to remain on the Houston Independent Media Center web site by defendants Nick Cooper, Tish Stringer and Renee Feltz in direct violation of Houston Independent Media Center editorial policy which requires that such postings be hidden. One such posting referred to plaintiff as a "Clansman" and a "racist."

A true and correct copy of the defamatory writing is attached to this petition as Exhibit B and incorporated by reference.

IV.

Further, defamatory statements about plaintiff were made by defendant Nick Cooper when he accused plaintiff of being on a campaign of harassment against defendant Ernesto Aguilar.

V.

The defamatory statements set forth above are false. The truth is that plaintiff suggested a story idea to be presented on the Houston Independent Media Center Radio Program which is broadcast on public radio station KPFT in Houston, Texas. The story was to be about disruptive elements in the local activist community and at the radio station. Before the story idea could even be developed, one potential subject of the program got word of it and came to the station making threats of lawsuits and threatened having the HIMC radio program taken off of the air. The response by defendants, who were members of the radio production team, after a meeting with station management, was to kill the story idea and quash any further development of it.

The "misleading" and "false" statements plaintiff was accused of making were merely the expression of concern that defendants had allowed themselves to be censored by station management, thereby not being independent media as their name and mission statement represents them to be.

Defendants' defamatory statement that plaintiff would more likely than not, or would intentionally produce, a news piece that was boldly libelous or slanderous and that would not be newsworthy is also false in that until a story is a finished piece, it cannot be determined whether it is libelous and slanderous or not. Further, plaintiff is an attorney duly licensed by the state of Texas and would most likely be less prone to writing a story that is libelous or slanderous.

VI.

With regard to the defamatory statement which defendants Nick Cooper, Tish Stringer and Renee Feltz allowed to remain on the HIMC web site which referred to Plaintiff as a "Clansman" and a "racist," such statement is false and these defendants allowed them to remain with knowledge that they were false or with substantial grounds for knowing that they might be false and with reckless disregard to whether they were true or false. This was done in violation of express HIMC editorial policy requiring the hiding of such posts.

VII.

The defamatory statement made by defendant Nick Cooper that plaintiff was on a campaign of harassment against defendant Ernesto Aguilar is false. The truth is that plaintiff merely continued to press for answers when defendants Ernesto Aguilar and Tish Stringer appeared to be engaging in a whitewash and cover up of the earlier described incident that appeared to be a submission to censorship.

VIII.

For the past 15 years plaintiff has been involved in social movements to promote human and environmental rights and for the cause of peace in various parts of the United States and in Latin America. Prior to the publication of the defamatory statements described, plaintiff enjoyed a reputation for having high principles, morals, integrity and a strong sense of justice and fair play.

Further, plaintiff has begun the production of various documentary which expose human rights violations and environmental destruction arising from certain policies of governments and world financial entities. Plaintiff plans to seek funding for the completion of these works from various grant sources.

Plaintiff also works in the capacity of an attorney and property manager. In this regard, from time to time, he is called upon to negotiate contracts of substantial worth with various parties.

IX.

As a result of defendants' publication or allowed publication of the defamatory statements set out above, plaintiff's reputation is threatened. Any time an institution to which plaintiff applies for funding for completion of a documentary project does a search on the internet or on the Houston Independent Media Center web site using plaintiff's name, there is a likely hood that the defamatory statements will come up, thus harming plaintiff's chances of receiving funding. The same applies if a business associate with whom plaintiff has dealing searches the internet using plaintiff's name. It has the real potential of harming plaintiff's ability to effectively negotiate and carry out his responsibilities.

Further, the allegations contained in the defamatory statements have directly and proximately caused the plaintiff to suffer extreme mental anguish, public humiliation, and embarrassment. Plaintiff seeks damages for these injuries in an amount within the jurisdiction of this court.

X.

Furthermore, plaintiff is entitled to exemplary damages from defendants Nick Cooper, Tish Stringer, Renee Feltz, Ernesto Aguilar, and Jackson Allers because they acted with malice required to support an award of exemplary damages with regard to posting the statement on the HIMC web site which depicted plaintiff as making misleading and false statement and accusing him of planning to intentionally write a news story that would be boldly slanderous or libelous.

Tish Stringer, Nick Cooper and Renee Feltz acted with conscious indifference to the rights, safety or welfare of plaintiff when allowing statements of other to remain on the Houston Independent Media Center web site, with knowledge that they were false or with substantial grounds for knowing that they might be false and with reckless disregard to whether they were true or false.

Nick Cooper acted with malice towards plaintiff when he accused plaintiff of being on a campaign of harassment solely for the purpose of attacking and harming plaintiff.

REQUEST FOR INJUNCTION

XI.

Defendants Nick Cooper, Renee Feltz and Tish Stringer are members of the Editorial Working Group of Houston Independent Media Center. They are the only members who have the passwords to the HIMC web site and, therefor, are the only persons who can make changes and adjustments to the site.

XII.

Defendants Nick Cooper, Renee Feltz and Tish Stringer continue to allow the above mentioned defamatory statements to continue to be on the Houston Independent Media Center web site despite a HIMC Editorial Protocol requiring posts that are boldly slanderous or libelous to be hidden. Although requested to do so by plaintiff and other members of the Houston Independent Media Center cooperative, these defendants refuse to hide the posts.

XIII.

Plaintiff continues to be damaged due to these defendants' failure to act in accordance with Houston Independent Media Center policy in hiding the posts. Further, plaintiff and other members of the Houston Independent Media Center collective continue to be damaged by the continued exposure to personal liability for defamation and negligence posed by defendants failure to hide the post. The failure of defendants to act also exposes other organization with which Houston Independent Media Center collaborates to be unnecessarily exposed to liability.

XIV.

Plaintiff has no adequate remedy at law for the injuries just described. The injuries and losses are continuing. The losses to the plaintiff and others is likely to exceed the financial worth of the defendants, so as to prevent any adequate compensation to the plaintiff, even if money damages were a sufficient remedy.

XV.

For the reasons stated in this pleading, the plaintiff requests that, after trial, this Court permanently enjoin defendants Nick Cooper, Renee Feltz and Tish Stringer from:

serving on the Editorial Working Group of Houston Independent Media Center.

Withholding the site passwords from other member of the Editorial Working Group of Houston Independent Media Center.

In order to remove the possibility of further damage to plaintiff, plaintiff further request the court to order Nick Cooper, Renee Feltz and Tish Stringer to turn over the web site passwords to Ken Freeland, Robert Graham.

XVI.

In order to preserve the rights of the plaintiff during the pendency of this action, defendants should be cited to appear and show cause why they should not be temporarily restrained, during the pendency of this action from:

serving on the Editorial Working Group of Houston Independent Media Center,

Possessing the web site passwords,

Withholding the site passwords from other member of the Editorial Working Group of Houston Independent Media Center.

In order to remove the possibility of further damage to plaintiff, plaintiff further request, defendants be cited to appear and show cause why the court should not order them to turn over the web site passwords to Ken Freeland, Robert Graham.

PRAYER FOR RELIEF

Plaintiff requests that defendants be cited to appear and answer.

Plaintiff requests a temporary injunction be issued, after notice to defendants and an evidentiary hearing, restraining defendants Nick Cooper, Renee Feltz and Tish Stringer, their agents, servants, and employees, directly or indirectly from:

serving on the Editorial Working Group of Houston Independent Media Center,

possessing the web site passwords,

Withholding the site passwords from other member of the Editorial Working Group of Houston Independent Media Center.

Plaintiff further request, after notice to defendants and an evidentiary hearing, the court order them to turn over the web site passwords to Ken Freeland, Robert Graham and during the pendency of this action.

A permanent injunction be issued, on final trial of this case enjoining defendants Nick Cooper, Renee Feltz and Tish Stringer, their agents, servants, and employees, directly or indirectly from:

serving on the Editorial Working Group of Houston Independent Media Center,

possessing web site passwords,

Withholding the site passwords from other member of the Editorial Working Group of Houston Independent Media Center.

Judgment for actual damages against the defendants in a sum within the jurisdictional limits of the Court.

Judgment for exemplary damages against the defendants in a sum determined by the trier of fact.

Prejudgment and post judgment interest as provided by law.

Costs of suit, including reasonable attorney's fees.

Such other and further relief to which plaintiff may be justly entitled.

Respectfully submitted,

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832.287.5072
fax: 979.849.6568
State Bar No. 04566700

PRO SE

VERIFICATION

THE STATE OF TEXAS }

COUNTY OF BRAZORIA }

Before me, the undersigned Notary Public, on this day personally appeared Loel Coleman, who, after being duly sworn, stated under oath that he is the plaintiff in this action; that he has read the above petition; and that every statement contained in the petition is within his personal knowledge and is true and correct.

Loel Coleman

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____
2003, to certify which witness my hand and official seal.

Notary Public in and for
The State of Texas

EXHIBIT A

Houston Indymedia Radio Workgroup Statement on Recent Allegations

This statement is being issued by the Houston Indymedia radio workgroup (an autonomous workgroup which produces a radio show on Mondays on Pacifica affiliate KPFT) in response to several allegations leveled against the workgroup and radio show by Loel Coleman and Robert Buzzanco.

In June, Houston Independent Media Center member Loel Coleman sent an email to HIMC's radio email list, proposing that he produce a story for use on the Houston Indymedia radio show "exposing" Edwin Johnston and political conflicts he has had with other activists. While there was some support for doing such an article, the story idea submitted by Mr. Coleman met with objections and reservations from several radio workgroup members, which could not be allayed sufficiently for us to feel that we had consensus to run the story. The objections and reservations included:

- a.) Such a story seemed likely to violate HIMC's Editing Protocol #3, which prohibits pieces that "are boldly slanderous, libelous or personal" and "are not news related."
- b.) the story would be not be particularly relevant to HIMC's mission statement: "It is our goal to give voice to those people under-represented in the mainstream media. With an emphasis on local issues, we will seek connections to global systems. We intend to illuminate and analyze issues that are affected by the increasing corporate domination of society and the subsequent erosion of democracy and equal protection under the law. We will strive to develop the arts, culture, entertainment, education, forums and conferences. We seek to generate alternatives to the current biases inherent in profit-based and corporate media and to contribute to the development of an equitable and sustainable society."
- c.) HIMC had, up to that point consistently opted by consensus not to engage in the infighting, non-constructive interactions and manipulative discourse that have been the hallmarks of many recent Pacifica battles.

Individuals invited Mr. Coleman to attend a radio workgroup meetings to discuss the story, and offered several suggestions for other possible venues for his story, including our website's open publishing portal. Mr. Coleman chose not to exercise these options. Instead, Mr. Coleman ceased dialogue about the story itself and began talking about a story about our consensus process instead. Then, he sent out his interpretations of our discussions, in possible violation of HIMC Action Guidelines, (#2: "to respect the viewpoints and privacy of other members of the group, to contribute constructively to the group and to use consensus to reach decisions") to Robert Buzzanco, who then, with Mr. Coleman, disseminated said information widely across Pacifica lists. Mr. Coleman has yet to attend a radio workgroup meeting to discuss his story or his subsequent actions. Nearly one month since its proposal, Mr. Coleman has not completed his story, nor has any publication date for his story been mentioned.

We consider any allegations that HIMC radio workgroup members were inappropriately influenced, censored or "gagged" by KPFT Station Manager Duane Bradley, conflicts of interest, or "threats" from Mr. Johnston to be misleading and false. We believe our decisions rest soundly on our stated reasons, our journalistic policies and belief in our Mission Statement

We welcome community involvement and appreciate community support.

In solidarity,
The Houston Independent Media Center Radio Workgroup
Houston Indymedia Radio Show airs Mondays, 6:30-7 PM on 90.1 FM KPFT

EXHIBIT B

the night riders finally posse up

by bsnbc • *Thursday November 14, 2002 at 02:44 PM*

mailto:

Parkin: Please don't ever mistake yourselves with the real working class. I can picture old Karl rolling in his grave now.

Anthony: Ask Bob about good conflict management. Maybe he'll bankroll some once he gets paid off his Pacifica lawsuit.

Bob: So if KPFT and IMC are Edwin's organ grinders, does that make Loel Coleman yours? Saaaad. It's not like most people don't already associate you with bigotry, so having Clansman on your side can't hurt. You've got blacks (by Loel), jews (by you), hispanics (by you again) and white liberals (all of you) in the crosshairs. No asians yet? Seig heil!

Replies to stupid comments are too easy. I'm out.