U.S. DISTRICT COURSE

| United States District Court FOR THE DISTRICT OF VERMONT | | DISTRICT OF VERMONT |
|--|---|-------------------------------------|
| | | 2012 OCT -9 AM 10: 59 |
| | | CLEMA. |
| John D. Haywood |) | DEPUTY CLERK |
| Plaintiff, |) |) |
| v. |) |)) CIVIL ACTION NO. 2:12-CV-164 |
| St. Michael's College, Logan R. Spillane, and |) |)) |
| Christopher Hardy, |) |) |
| |) | |
| Defendants |) |) |
| |) |) |

PLAINTIFF'S RESPONSE TO SAINT MICHAEL COLLEGE'S SPECIAL MOTION TO STRIKE

NOW COMES Plaintiff John D. Haywood, representing himself, and responds to the said Special Motion to Strike.

Any defects in Plaintiff's pleadings have been addressed by Plaintiff in an Amended Complaint filed subsequent to this Special Motion pursuant to FRCP 15.

Libelous speech is not speech that is protected by Federal and State constitutions.

The numerous malicious libels that damaged Plaintiff as alleged in Plaintiff's

Sworn Complaint and Sworn Amended Complaint are therefore not protected speech.

The U. S. Supreme Court has ruled in Buckley v. Valero, 424 US 1 (1976), that federal legislation that forbade a political candidate from spending his own money to advertise his positions was an infringement on that candidate's rights of expression

and therefore in violation of that candidate's First Amendment rights. Defendants libels as alleged in Plaintiff's pleadings were clearly intended to—and undoubtedly did—keep untold multitudes from reading the positions set forth at Plaintiff's website. Plaintiffs' website was written and rewritten over many months and was based on numerous published sources as set forth therein. Such an issues-based website was inspired by the words of Abraham Lincoln: "I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts."

That is what Plaintiff attempted to do. That is what Defendants prevented him from doing. It is *Plaintiff's* free speech rights that have been infringed on by the malicious libels as enumerated in the pleadings to date.

Plaintiff says and alleges that the Special Motion to Strike is frivolous, is intended to delay, and that costs should be awarded in the event Plaintiff must travel to a hearing on the Motion to Strike. Said costs are allowed in accordance with 12 V.S.A. section 1041(f)(1).

Plaintiff says further that Defendants have no right to appeal an interlocutory order dismissing the motion under 12 V.S.A. section 1041 (g) as the federal courts of appeal are governed by the Interlocutory Appeals Act (28 U.S.C.A. section 1292). This act grants discretion to the courts of appeal to review interlocutory order in civil cases where the district court judge states in the order that a controlling question of law is in doubt and that the immediate resolution of the issue will materially advance the ultimate

termination of litigation. State appellate courts, on the other hand, are governed by statutes and court rules of appellate procedure regarding review of interlocutory orders.

Dated at Durham, North Carolina this 5th day of October, 2012.

John D. Haywood,∳ro Se

3116 Cornwall Road

Durham, NC. 27707-5102

Tel. (919) 489-5202

CERTIFICATE OF SERVICE

I, John D. Haywood, certify that on October 5, 2012, I served the foregoing Plaintiff's

Response to Defendant St. Michael's College's Special Motion to Strike on counsel for the

Defendants by mailing a copy of same to the attorneys for the Defendants by first class

mail postage prepaid to the following:

Jeffrey J. Nolan Esq.
Dinse, Knapp & McAndrew, P. C.
209 Battery Street
P. O. Box 988
Burlington, Vt. 05402

William B. Towle, Esq. Ward and Babb 3069 Williston Road South Burlington, VT 05403

John D. Haywood, Pro Se 3116 Cornwall Road, Durham NC 27707 919-489-5202