

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT**

D-202-CV-2012-_____
JUDGE _____

GORDON JAMES KLINGENSCHMITT,

Plaintiff

v.

**MICHAEL L. WEINSTEIN, a/k/a MIKEY WEINSTEIN,
AN INDIVIDUAL, BONNIE L. WEINSTEIN, AN INDIVIDUAL,
MILITARY RELIGIOUS FREEDOM FOUNDATION, INC., and
MICHAEL L. WEINSTEIN IN HIS CAPACITY AS PRESIDENT
OF MILITARY RELIGIOUS FREEDOM FOUNDATION, INC.,**

Defendants.

**FIRST AMENDED COMPLAINT FOR DEFAMATION
AND MALICIOUS ABUSE OF PROCESS**

COMES NOW, Gordon James Klingenschmitt, by and through his counsel of record, Kelly S. O'Connell, and files his first amended complaint for damages against Michael L. Weinstein, also known as Mikey Weinstein, in his individual capacity, Bonnie L. Weinstein, in her individual capacity, Military Religious Freedom Foundation, Inc., and Michael L. Weinstein in his capacity as president of Military Religious Freedom Foundation, Inc., and states:

PARTIES, JURISDICTION, and VENUE

1. Gordon James Klingenschmitt is an individual residing in Colorado.
2. Michael L. Weinstein, also known as Mikey Weinstein, is an individual residing in Albuquerque, New Mexico.

3. Bonnie L. Weinstein is an individual residing in Albuquerque, New Mexico.

4. Upon information and belief, Military Religious Freedom Foundation, Inc., is a corporation organized under the laws of the State of New Mexico.

5. Upon information and belief, Michael L. Weinstein, also known as Mikey Weinstein, is or was at the relevant times president of Military Religious Freedom Foundation, Inc.

6. The Court has jurisdiction over the subject matter of this proceeding.

7. Venue is proper as Michael L. Weinstein, a/k/a Mikey Weinstein, and Bonnie L. Weinstein are residents of this county and Military Religious Freedom Foundation, Inc. operates or conducts business in this county.

DEFAMATION

8. On or about October 6, 2009, Michael L. Weinstein, a/k/a Mikey Weinstein (“Weinstein”), on behalf of himself and Military Religious Freedom Foundation, Inc. (“MRFF”) participated in a radio interview on the Thom Hartmann Program (the “2009 Radio Interview”). A transcript of the 2009 Radio Interview is attached as Exhibit 1. [See Exhibit 1, EX1-TranscriptOfThomHartmannShow.docx]

9. Weinstein participated in the 2009 Radio Interview in his individual capacity and in his capacity as founder and president of MRFF.

10. During 2009 Radio Interview, Weinstein made numerous statements about and concerning Plaintiff Gordon James Klingenschmitt (“Klingenschmitt”) and an imprecatory prayer made by Klingenschmitt in April 2009. A transcript of

Klingenschmitt's April 2009 prayer and related excerpts from Psalm 109 is attached as Exhibit 2. [See Exhibit 2, EX2-TranscriptOfPrayer.docx]

11. During the 2009 Radio Interview, Weinstein intentionally or negligently asserted various facts, including that Klingenschmitt's prayer incited unidentified others to have: "the windows shot out of our house, we've had beer bottles and feces hurled at the house, we've had animals slaughtered and put on the front door, we've had um, swastikas and crucifixes marked on the house, they've been on our roof, they've been in our driveway." [See Exhibit 1, p.1.]

12. During the 2009 Radio Interview, Weinstein specifically attributed these alleged incidents to Klingenschmitt's imprecatory prayer of April 2009.

13. Weinstein statements were assertions of fact and were not mere opinions.

14. The factual assertion or implication that Klingenschmitt's April 2009 prayer was the cause of the harm Weinstein complained of in the 2009 Radio Interview is demonstrably false in that Weinstein and Bonnie L. Weinstein have admitted in sworn testimony and in newspaper interviews posted on their MRFF web-site that these alleged incidents recited in the 2009 Radio Interview occurred in 2006, 2007, and 2008. Therefore the Weinstains knew these earlier acts of alleged vandalism by unidentified others could not have been caused or incited by Klingenschmitt's later 2009 prayers. A partial transcript of Michael Weinstein's deposition taken June 29, 2010, is attached as Exhibit 3. A partial transcript of the deposition of Bonnie Weinstein taken July 1, 2010, is attached as Exhibit 4. A printout from MRFF's website of news stories dated June 17, 2008, reporting vandalism is attached as Exhibit 5. [See Exhibit 3, EX3-

MikeyWeinsteinDepo.pdf, Exhibit 4, EX4-BonnieWeinsteinDepo.pdf, and Exhibit 5, EX5-WindowsAnimalsSwastikaJune2008.pdf]

15. By asserting the facts as he did in the 2009 Radio Interview, Weinstein made false statements that had the tendency to render Klingenschmitt contemptible or ridiculous in public estimation.

16. Weinstein's false statements in the 2009 Radio Interview were communicated to Thom Hartmann, the interviewer and host of the Thom Hartmann Program, as well as the numerous listeners in the audience.

17. Weinstein's false statements in the 2009 Radio Interview injured Klingenschmitt in that Klingenschmitt: has incurred attorney's fees in defending his reputation; has lost income or income-producing opportunities; and, has had his reputation and standing in the community harmed.

18. On or about October 5, 2009, Weinstein, in his individual capacity and in his capacity as president of MRFF, made statements about and concerning Klingenschmitt to an agent or employee of the Dallas Morning News (the "2009 Newspaper Interview") which were subsequently published in the Dallas Morning News newspaper. A reproduction of the Dallas Morning News story obtained from the MRFF website is attached as Exhibit 6. [See Exhibit 6, EX6-DallasNewsOnMRFFsite.pdf]

19. In his statements in the 2009 Newspaper Interview, Weinstein was quoted by the Dallas Morning News as saying that Klingenschmitt offered a prayer in which Weinstein directly quoted Klingenschmitt as "asking Jesus to...kill me and my family then wipe away our descendants for 10 generations." [See Exhibit 6, p.2.]

20. In the 2009 Newspaper Interview, Weinstein again associated Klingenschmitt's prayer with causing Weinstein's family to receive from unidentified others "a swastika emblazoned on their home in New Mexico, animal carcasses left on their doorstep and feces thrown at the house." [See Exhibit 6, p. 2.]

21. In the 2009 Newspaper Interview, Weinstein confirmed his malicious motive for his statements by repeating an earlier threat of violence against Klingenschmitt, in which Weinstein had once said "'I would like to beat the s**t out of [Klingenschmitt] in a boxing ring or in an alley behind a Safeway,' said Weinstein, who has tangled with Klingenschmitt several times." The quote comes from an article republished on the MRFF website which is attached as Exhibit 7. [EX7-ReligionNewsThreatensViolence.pdf]. See also Exhibit 6, p. 4.

22. In the 2009 Newspaper Interview, Weinstein further confirmed his malicious motive against Klingenschmitt (a former Navy Chaplain) and against Klingenschmitt's former endorsing organization the Chaplaincy of Full Gospel Churches by telling the reporter he "hopes to cripple the Chaplaincy financially and to have the organization stripped of its status with the Department of Defense." [See Exhibit 6, p. 2.]

23. Weinstein's statements in the 2009 Newspaper Interview about Klingenschmitt's statements and the vandalism they allegedly caused or incited were assertions of fact and not mere opinion.

24. The factual assertion or implication that Klingenschmitt asked Jesus to kill Weinstein, his family, and his descendants is demonstrably false in that Klingenschmitt never said or wrote these words: "asking Jesus to...kill me and my family then wipe away our descendants for 10 generations." [See Exhibit 2 and Exhibit 6, p. 4.].

25. The factual assertion or implication that Klingenschmitt's 2009 prayers somehow incited or caused unidentified others to commit acts of vandalism including "a swastika emblazoned on their home in New Mexico, animal carcasses left on their doorstep and feces thrown at the house," is demonstrably false in that both Mikey and Bonnie Weinstein have admitted these acts of vandalism occurred in 2006, 2007 or 2008, and therefore could not have been caused by Klingenschmitt's 2009 prayers. [See Exhibits 3, 4, 5, and 6.]

26. By asserting the facts as he did in the 2009 Newspaper Interview, Weinstein made false statements that had the tendency to render Klingenschmitt contemptible or ridiculous in public estimation.

27. Weinstein's false statements in the 2009 Newspaper Interview were communicated to the reporter or agent of the Dallas Morning News and were subsequently published to the public in the print and online editions of the Dallas Morning News.

28. Weinstein's false or threatening statements in Exhibits 6 and 7 described above were also posted on the MRFF web-site under Mikey Weinstein's control, which site has repeatedly blogged against Klingenschmitt more than 80 times as of October 2012. A printout of the first page of Google search results for the term "klingenschmitt" on the MRFF website is attached as Exhibit 8. [See Exhibit 8, EX8-85TimesOnMRFFwebsite.png]

29. Among today's MRFF web-site posts include at least 5 repeated threats of beating or physical violence against Klingenschmitt, in which Mikey Weinstein expresses his continued desire to "beat the [expletive] out of Klingenschmitt." A printout of the

first page of Google search results for the terms “beat” and “Klingenschmitt” on the MRFF website is attached as Exhibit 9. [See EX9-BeatKlingenschmitt.png]

30. Among the available MRFF web-site posts include at least 3 repeated bomb threats of violence against Klingenschmitt, in which Mikey Weinstein or MRFF repeats or confirms Chris Rodda’s earlier threat to drop bombs or bombshells on Klingenschmitt, which comments had also been posted on the web-site scienceblogs.com. A printout of the Google search results for the terms “bomb” and “Klingenschmitt” from the MRFF website is attached as Exhibit 10. A printout of the first page of a post on the MRFF website dated July 31, 2009, is attached as Exhibit 11. A printout of an excerpt from the scienceblogs.com website is attached as Exhibit 12. [See Exhibits 10, 11, 12: EX10-BombKlingenschmitt.png, EX11-BombKlingenschmitt2.png, EX12-RoddaBombThreatKlingenschmitt.png]. Chris Rodda is or was an employee or volunteer for MRFF, acting under the control or influence of Mikey Weinstein.

31. Weinstein’s false statements associating Klingenschmitt’s prayers with animal carcasses have now been repeated on more than 3,250 internet web-sites, including at least 4 times on the current display of MRFF’s web-site. A printout of a portion of the first page of the Google search results for the terms “klingenschmitt” and “carcasses” is attached as Exhibit 13. A printout of the Google search results for the terms “carcasses” and “Klingenschmitt” from the MRFF website is attached as Exhibit 14. [See EX13-3270websitesCarcasses.png, EX14-CarcassesOnMRFFsite.png]. The MRFF website has also republished letters to the Nobel Prize Committee which associated Klingenschmitt’s 2009 prayers with alleged vandalism of 2006, 2008, and 2008. Copies of the letters are attached as Exhibit 15. [See EX15-NobelMikey2010.pdf]

32. Among the over 3,250 repetitions of Mikey Weinstein's false and defamatory claims include Exhibits 13A, 13B, and 13C, in which blogger Deborah Beeksma (writer at goddiscussion.com) cited Mikey Weinstein as blaming Klingenschmitt's 2009 prayers for causing alleged vandalism in 2006, 2007, or 2008.

33. Deborah Beeksma wrote, "Klingenschmitt has been sued along with Jim Ammerman, the founder of the Dallas-based Chaplaincy of Full Gospel Churches, by Mikey Weinstein of the Military Religious Freedom Foundation for imprecatory prayers that have inspired their followers to issue death threats to Weinstein's family, blaze a swastika on their home in New Mexico, leave animal carcasses on their doorstep and throw feces at the house." The quote comes from an article dated April 14, 2011, a printout of which is attached as Exhibit 13A; see Exhibit 13A, p. 3. [See EX13A-GodDiscussionCarcasses14Apr11.pdf]

34. Deborah Beeksma wrote, "Back in October, 2009, attorney Mikey Weinstein, founder and director of the Military Religious Freedom Foundation, filed a federal lawsuit against Gordon Klingenschmitt, a former U.S. Navy chaplain, and Jim Ammerman, the founder of the Dallas-based Chaplaincy of Full Gospel Churches to '...stop asking Jesus to [...] kill me and my family then wipe away our descendants for 10 generations.' By encouraging their followers to engage in imprecatory prayers, Klingenschmitt and Ammerman were accused of whipping up hate amongst their Christian parishioners who were targeting Weinstein and his family: '... his family has received death threats, had a swastika emblazoned on their home in New Mexico, animal carcasses left on their doorstep and feces thrown at the house.'" The quote comes from

an article dated March 23, 2011, a printout of which is attached as Exhibit 13B; see Exhibit 13B, p. 2. [See EX13B-GodDiscussionCarcasses23Mar11.pdf]

35. Deborah Beeksma wrote, “Weinstein's lawsuit demanded that Gordon Klingenschmitt, a former U.S. Navy chaplain, and Jim Ammerman, the founder of the Dallas-based Chaplaincy of Full Gospel Churches (who has since died) to ‘... stop asking Jesus to [...] kill me and my family then wipe away our descendants for 10 generations’ because the imprecatory prayers allegedly incited Christian extremists to, among other things, throw animal carcasses at the Weinstein's New Mexico residence.” The quote comes from an article dated April 3, 2012, a printout of which is attached as Exhibit 13C; see Exhibit 13C, p. 2. [See EX13C-GodDiscussionCarcasses3Apr12]

36. Notice in all three instances above, how Klingenschmitt’s 2009 prayers are illogically and falsely blamed by Mikey Weinstein for causing events Mikey knew had occurred in 2006, 2007, and 2008.

37. Weinstein’s false or threatening statements in the 2009 Newspaper Interview and other sites have injured Klingenschmitt in that Klingenschmitt and/or the corporations he owns: has incurred attorney’s fees in defending his reputation; has lost income or income-producing opportunities; and, has had his reputation and standing in the community harmed.

MALICIOUS ABUSE OF PROCESS

38. In or about October 2009, Mikey Weinstein and his wife Bonnie L. Weinstein filed a lawsuit against Klingenschmitt seeking monetary damages and an injunction, which was amended and re-filed in our about December 2009. A copy of the

Weinsteins' Second Amended Petition is attached as Exhibit 16. [See EX16-AmendedLawsuitMikey12-23-09.pdf]

39. In the lawsuit, Weinstein and Bonnie L. Weinstein alleged that Klingenschmitt's 2009 prayers had incited unidentified others to acts of violence and/or to make threats against Weinstein, Weinstein's family, and others including "intimidating acts they have experienced (shots being fired at their home, fires being set on their lawn, dead animals being left on their porch, etc.)." [See Exhibit 16, ¶ 26.]

40. As purported evidence of Klingenschmitt's inciting others to violence and/or to make threats, Weinstein and Bonnie L. Weinstein alleged that two imprecatory prayers offered by Klingenschmitt in 2009 were the source of the above actions for which Weinstein and Bonnie L. Weinstein complained.

41. According to their sworn testimony, the incidents of vandalism of which Weinstein and Bonnie L. Weinstein complained in their lawsuit occurred in 2006, 2007, and/or 2008. [See Exhibits 3, 4, and 5.]

42. As Weinstein and Bonnie L. Weinstein knew that the alleged acts or threats, violence, and vandalism took place in 2006, 2007, and/or 2008, they knew that it was impossible for Klingenschmitt's later prayers in 2009 to have been the cause of the prior acts or threats by unidentified others.

43. The lawsuit filed by Weinstein and Bonnie L. Weinstein was subsequently dismissed for lack of causation in 2012.

44. As Weinstein and Bonnie L. Weinstein knew that there was no way for Klingenschmitt's 2009 prayers to have incited any action in 2006, 2007, or 2008,

Weinstein and Bonnie L. Weinstein filed their complaint against Klingenschmitt without probable cause to do so, and with malicious intent to deceive and defraud the court.

45. Even if their respective memories had failed them, Mikey Weinstein and Bonnie L. Weinstein could have discovered the lack of probable cause for filing their lawsuit against Klingenschmitt during the pre-filing investigatory period, and withdrawn their false complaint, but they did not do so, and allowed the litigation to continue for nearly three years.

46. The malicious or vexatious intent of Weinstein's lawsuit is revealed by Mikey's stated desire to beat, bomb, and financially cripple Klingenschmitt or his friends or organizations. [See Exhibits 6, 7, 9, 10, and 11.] That malicious intent is also demonstrated by Mikey's publicly stated mission of MRFF, to declare "war" or "death fight" against evangelical Christians: "We are at war with a sub-set of evangelical Christianity...how many? Roughly 12.6% of the American public or 38 million people." Mikey further stated in a public speech to a group of Air Force Academy cadets, "We are at war. Our foundation is at war. We are a militant, non-profit organization. And we come to that, our militancy...We are fighting a small sub-set of Christianity, and maybe some of you today. Maybe you didn't even realize that you are a part of this sub-set. There's a long, technical name, like a sentence, Pre-millennial Dispensational Reconstructionist Dominionist Fundamental Evangelical Christian. They are 12.6% of the American population today. We are fighting them. And we are fighting those who are a part of that. There's no question. It's a death fight." A transcript of the quotes and reference to the respective sources is attached as Exhibit 17. [See Exhibit 17, EX17-MikeyWarDeathFight.docx] Furthermore, "Weinstein said he hopes his lawsuit will

cripple the chaplaincy group financially.” This quote comes from an article reproduced on the MRFF website dated October 6, 2009, a printout of which is attached as Exhibit 18. [See Exhibit 18, EX18-JTAarticle.pdf]

47. Weinstein has recently announced his intention to file yet another malicious or vexatious future lawsuit against Klingenschmitt, and again likely abuse the legal process. A printout of a news report from the Dallas Morning News website referencing Weinstein’s intent is attached as Exhibit 19. [See Exhibit 19, EX19-DallasNews2MoreThreats.pdf]

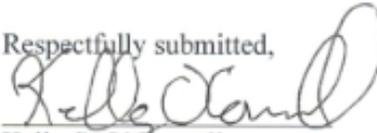
48. Upon information and belief, the primary motive for Weinstein and Bonnie L. Weinstein to file the lawsuit against Klingenschmitt was an illegitimate end, specifically to cause Klingenschmitt or his interests financial difficulties, to prevent Klingenschmitt from promoting his philosophy or his religious beliefs, to marginalize Klingenschmitt’s influence, goals, and impact, and to subject Klingenschmitt to the expense, delay, and distraction of protracted litigation.

49. As a direct and proximate result of the lawsuit filed by Weinstein and Bonnie L. Weinstein, Klingenschmitt has suffered damages in that he and the corporations which he owns have incurred substantial attorney’s fees in defending himself in the lawsuit and he has suffered the loss of income or income-producing opportunities.

WHEREFORE, Plaintiff Gordon Klingenschmitt respectfully requests the Court to enter judgment against Defendants Michael L. Weinstein, a/k/a Mikey Weinstein, Bonnie L. Weinstein, Military Religious Freedom Foundation, Inc., and Michael L.

Weinstein as president of Military Religious Freedom Foundation, Inc. in an amount to be determined at trial, for costs and attorney's fees, and for such other and further relief as the Court deems appropriate under the circumstances.

Respectfully submitted,



Kelly S. O'Connell

P.O. Box 1922

Las Cruces, NM 88004-1922

(575) 496-6359

Attorney for Plaintiff Gordon

Klingenschmitt

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT**

D-202-CV-2012-_____
JUDGE _____

GORDON JAMES KLINGENSCHMITT,

Plaintiff

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**MICHAEL L. WEINSTEIN, a/k/a MIKEY WEINSTEIN,
AN INDIVIDUAL, BONNIE L. WEINSTEIN, AN INDIVIDUAL,
MILITARY RELIGIOUS FREEDOM FOUNDATION, INC., and
MICHAEL L. WEINSTEIN IN HIS CAPACITY AS PRESIDENT
OF MILITARY RELIGIOUS FREEDOM FOUNDATION, INC.,**

Defendants.

**ORIGINAL COMPLAINT FOR DEFAMATION
AND MALICIOUS ABUSE OF PROCESS**

COMES NOW, Gordon Klingenschmitt, by and through his counsel of record, Kelly S. O'Connell, and files his original complaint for damages against Michael L. Weinstein, also known as Mikey Weinstein, in his individual capacity, Bonnie L. Weinstein, in her individual capacity, Military Religious Freedom Foundation, Inc., and Michael L. Weinstein in his capacity as president of Military Religious Freedom Foundation, Inc., and states:

PARTIES, JURISDICTION, and VENUE

1. Gordon Klingenschmitt is an individual residing in Colorado.
2. Michael L. Weinstein, also known as Mikey Weinstein, is an individual residing in Albuquerque, New Mexico.

ORIGINAL COMPLAINT FOR DEFAMATION
AND MALICIOUS ABUSE OF PROCESS

3. Bonnie L. Weinstein is an individual residing in Albuquerque, New Mexico.

4. Upon information and belief, Military Religious Freedom Foundation, Inc., is a corporation organized under the laws of the State of New Mexico.

5. Upon information and belief, Michael L. Weinstein, also known as Mikey Weinstein, is or was at the relevant times president of Military Religious Foundation, Inc.

6. The Court has jurisdiction over the subject matter of this proceeding.

7. Venue is proper as Michael L. Weinstein, a/k/a Mikey Weinstein, and Bonnie L. Weinstein are residents of this county and Military Religious Freedom Foundation, Inc. operates or conducts business in this county.

DEFAMATION

8. On or about October 6, 2009, Michael L. Weinstein, a/k/a Mikey Weinstein (“Weinstein”), on behalf of himself and Military Religious Freedom Foundation, Inc. (“MRFF”) participated in a radio interview on the Thom Hartmann Program (the “2009 Radio Interview”).

9. Weinstein participated in the 2009 Radio Interview in his individual capacity and in his capacity as founder and president of MRFF.

10. During 2009 Radio Interview, Weinstein made numerous statements about and concerning Plaintiff Gordon James Klingenschmitt (“Klingenschmitt”) and an imprecatory prayer made by Klingenschmitt in April 2009.

11. During the 2009 Radio Interview, Weinstein intentionally or negligently asserted various facts, including that Klingenschmitt’s prayer incited unidentified others

to have: “the windows shot out of our house, we’ve had beer bottles and feces hurled at the house, we’ve had animals slaughtered and put on the front door, we’ve had um, swastikas and crucifixes marked on the house, they’ve been on our roof, they’ve been in our driveway.”

12. During the 2009 Radio Interview, Weinstein specifically attributed these alleged incidents to Klingenschmitt’s imprecatory prayer of April 2009.

13. Weinstein statements were assertions of fact and were not mere opinions.

14. The factual assertion or implication that Klingenschmitt’s April 2009 prayer was the cause of the harm Weinstein complained of in the 2009 Radio Interview is demonstrably false in that Weinstein and Bonnie L. Weinstein have admitted in sworn testimony that these alleged incidents recited in the 2009 Radio Interview occurred in 2006, 2007, and 2008, so they could not have been caused by Klingenschmitt’s 2009 prayers.

15. By asserting the facts as he did in the 2009 Radio Interview, Weinstein made false statements that had the tendency to render Klingenschmitt contemptible or ridiculous in public estimation.

16. Weinstein’s statements in the 2009 Radio Interview were communicated to Thom Hartmann, the interviewer and host of the Thom Hartmann Program, as well as the numerous listeners in the audience.

17. Weinstein’s statements in the 2009 Radio Interview injured Klingenschmitt in that Klingenschmitt: has incurred attorney’s fees in defending his reputation; has lost income or income-producing opportunities; and, has had his reputation and standing in the community harmed.

18. On or about October 5, 2009, Weinstein, in his individual capacity and in his capacity as president of MRFF, made statements about and concerning Klingenschmitt to an agent or employee of the Dallas Morning News (the “2009 Newspaper Interview”) which were subsequently published in the Dallas Morning News newspaper.

19. In his statements in the 2009 Newspaper Interview, Weinstein was quoted by the Dallas Morning News as saying that Klingenschmitt offered a prayer in which Klingenschmitt asked Jesus to kill Weinstein, his family, and his descendants. Again Weinstein associated Klingenschmitt’s prayer with causing Weinstein’s family to receive “a swastika emblazoned on their home in New Mexico, animal carcasses left on their doorstep and feces thrown at the house.”

20. Weinstein’s statements in the 2009 Newspaper Interview were assertions of fact and not mere opinion.

21. The factual assertion or implication that Klingenschmitt asked Jesus to kill Weinstein, his family, and his descendants is demonstrably false in that Klingenschmitt never said or wrote these words.

22. By asserting the facts as he did in the 2009 Newspaper Interview, Weinstein made false statements that had the tendency to render Klingenschmitt contemptible or ridiculous in public estimation.

23. Weinstein’s statements in the 2009 Newspaper Interview were communicated to the reporter or agent of the Dallas Morning News and were subsequently published to the public in the print and online editions of the Dallas

Morning News. Weinstein's false statements associating Klingenschmitt with animal carcasses have now been repeated on over 3,000 internet web-sites.

24. Weinstein's statements in the 2009 Newspaper Interview injured Klingenschmitt in that Klingenschmitt: has incurred attorney's fees in defending his reputation; has lost income or income-producing opportunities; and, has had his reputation and standing in the community harmed.

MALICIOUS ABUSE OF PROCESS

25. In or about October 2009, Weinstein and Bonnie L. Weinstein filed a lawsuit against Klingenschmitt seeking monetary damages and an injunction.

26. In the lawsuit, Weinstein and Bonnie L. Weinstein alleged that Klingenschmitt's 2009 prayers had incited unidentified others to acts of violence and/or to make threats against Weinstein, Weinstein's family, and others including "intimidating acts they have experienced (shots being fired at their home, fires being set on their lawn, dead animals being left on their porch, etc.)."

27. As purported evidence of Klingenschmitt's inciting others to violence and/or to make threats, Weinstein and Bonnie L. Weinstein alleged that two imprecatory prayers offered by Klingenschmitt in 2009 were the source of the actions for which Weinstein and Bonnie L. Weinstein complained.

28. According to their sworn testimony, the incidents which Weinstein and Bonnie L. Weinstein complained of occurred in 2006, 2007, and/or 2008.

29. As Weinstein and Bonnie L. Weinstein knew that the alleged acts or threats, violence, and vandalism took place in 2006, 2007, and/or 2008, they knew that it was impossible for Klingenschmitt's prayers in 2009 to have been the cause of the acts or threats.

30. The lawsuit filed by Weinstein and Bonnie L. Weinstein was subsequently dismissed for lack of causation.

31. As Weinstein and Bonnie L. Weinstein knew that there was no way for Klingenschmitt's 2009 prayers to have incited any action in 2006, 2007, or 2008, Weinstein and Bonnie L. Weinstein filed their complaint against Klingenschmitt without probable cause to do so.

32. Even if their respective memories had failed them, Weinstein and Bonnie L. Weinstein could have discovered the lack of probable cause for filing their lawsuit against Klingenschmitt during the pre-filing investigatory period, and withdrawn their false complaint, but they did not.

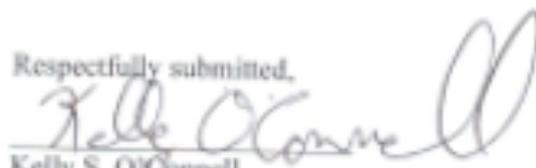
33. Upon information and belief, the primary motive for Weinstein and Bonnie L. Weinstein to file the lawsuit against Klingenschmitt was an illegitimate end, specifically to cause Klingenschmitt or his interests financial difficulties, to prevent Klingenschmitt from promoting his philosophy or his religious beliefs, to marginalize Klingenschmitt's influence, goals, and impact, and to subject Klingenschmitt to the expense, delay, and distraction of protracted litigation.

34. As a direct and proximate result of the lawsuit filed by Weinstein and Bonnie L. Weinstein, Klingenschmitt has suffered damages in that he and the corporations which he owns have incurred substantial attorney's fees in defending

himself in the lawsuit and he has suffered the loss of income or income-producing opportunities.

WHEREFORE, Plaintiff Gordon Klingenschmitt respectfully requests the Court to enter judgment against Defendants Michael L. Weinstein, a/k/a Mikey Weinstein, Bonnie L. Weinstein, Military Religious Freedom Foundation, Inc., and Michael L. Weinstein as president of Military Religious Freedom Foundation, Inc. in an amount to be determined at trial, for costs and attorney's fees, and for such other and further relief as the Court deems appropriate under the circumstances.

Respectfully submitted,


Kelly S. O'Connell
P.O. Box 1922
Las Cruces, NM 88004-1922
(575) 496-6359
*Attorney for Plaintiff Gordon
Klingenschmitt*

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

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GORDON JAMES KLINGENSCHMITT,

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AN INDIVIDUAL, BONNIE L. WEINSTEIN, AN INDIVIDUAL,
MILITARY RELIGIOUS FREEDOM FOUNDATION, INC., and
MICHAEL L. WEINSTEIN IN HIS CAPACITY AS PRESIDENT
OF MILITARY RELIGIOUS FREEDOM FOUNDATION, INC.,

Defendants.

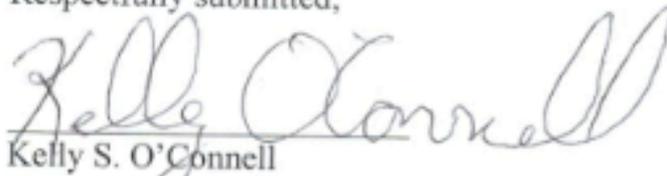
COURT-ANNEXED ARBITRATION CERTIFICATION

COMES NOW, Gordon Klingenschmitt, by and through his counsel of record, Kelly S. O'Connell, and pursuant to Second Judicial District Local Rules 2-603, certifies as follows:

 Plaintiff seeks only a money judgment and the amount sought does not exceed twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney's fees.

 X Plaintiff seeks relief other than a money judgment and/or seeks relief in excess twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney's fees.

Respectfully submitted,



Kelly S. O'Connell
P.O. Box 1922
Las Cruces, NM 88004-1922
(575) 496-6359

Attorney for Plaintiff Gordon Klingenschmitt