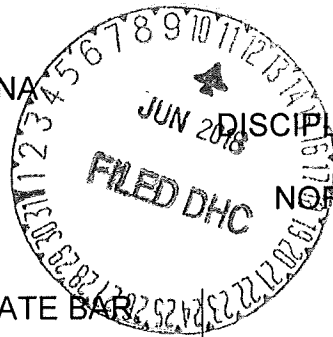


STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18DHC25

THE NORTH CAROLINA STATE BAR

Plaintiff,

v.

VENUS Y. SPRINGS, Attorney,
Defendant.

**ANSWER AND MOTIONS
TO STRIKE AND DISMISS**

Defendant, Venus Y. Springs, by and through counsel, responds to the complaint of the plaintiff the North Carolina State Bar as follows:

1. Admitted that the plaintiff has the authority to bring such actions pursuant to statute and rule. Otherwise, denied.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted that Ms. Springs deposed Amy Bouque in the Ally Financial case and that her deposition transcript and video was part of the public record before disposition of the case in 2012. Otherwise, denied.
6. Admitted that the court granted summary judgment for the defendants in the Ally Financial case and that Ms. Springs' appeal from that decision was concluded in 2012. Otherwise, denied.
7. Admitted that three excerpts from a Rule 30(b)(6) deposition of Ally Financial witness Amy Bouque was posted to You Tube by Ms. Springs on or about February 2014. Otherwise, denied.
8. Admitted that Ms. Springs annotated an excerpt from a Rule 30(b)(6) deposition of Ally Financial witness Amy Bouque that she posted to You Tube on or about February 2014, and that annotation speaks for itself. Otherwise, denied.
9. Admitted that the three excerpts from a Rule 30(b)(6) deposition of Ally Financial witness Amy Bouque posted to You Tube by Ms. Springs on or

about February 2014, could be accessed from a tweet by Ms. Springs and that tweet speaks for itself. Otherwise, denied.

10. Denied.
11. Admitted that defendants in the Ally Financial case filed a motion for protective order on September 24, 2014, a U.S. Magistrate Judge entered an order concerning that motion on December 2, 2014, and these pleadings speak for themselves. Otherwise, denied.
12. Admitted that the U.S. Magistrate Judge's order dated December 2, 2014, speaks for itself. Otherwise, denied.
13. Admitted that Ms. Springs filed objections to the U.S. Magistrate Judge's order on December 17, 2014, that speaks for itself. Otherwise, denied.
14. Admitted that the U.S. District Court entered an order on February 6, 2015, that speaks for itself. Otherwise, denied.
15. Admitted that Ms. Springs removed public access to the moving video and the audio portions of the three excerpts from a Rule 30(b)(6) deposition of Ally Financial witness Amy Bouque that she posted to You Tube on or about February 2014. Otherwise, denied.
16. Admitted that Ms. Springs created content for a website called the Pro Se Advocate to educate individuals about litigation and in doing so she used three excerpts from a Rule 30(b)(6) deposition of Ally Financial witness Amy Bouque to further its educational mission. Otherwise, denied.
17. Admitted that defendants in the Ally Financial case filed a motion for sanctions on February 12, 2015, that speaks for itself. Otherwise, denied.
18. Admitted that a hearing was held in these matters by a U.S. District Court Judge on June 17, 2015. Otherwise, denied.
19. This paragraph and all of its subparts should be stricken, pursuant to Rule 12(f) of the North Carolina Rules of Civil Procedure. Admitted that the hearing transcript speaks for itself. Otherwise, denied.
20. Admitted that the hearing transcript speaks for itself. Otherwise, denied.
21. Admitted that the U.S. District Court entered an order on July 7, 2015, that speaks for itself. Otherwise, denied.
22. Admitted that on July 26, 2016, the Fourth Circuit decided an unpublished opinion that speaks for itself and, in pertinent part, held that the U.S. Magistrate Judge lacked authority to enter a protective order on December 2, 2014, vacated the U.S. District Court's July 7, 2015 order that required

Ms. Springs to comply with the protective order and remanded the case to the U.S. District Court. Otherwise, denied.

23. Admitted that on September 6, 2016, the U.S. District Court entered an order that speaks for itself. Otherwise, denied.
24. Admitted that on April 10, 2017, the Fourth Circuit decided an unpublished opinion that speaks for itself. Otherwise denied.
25. Denied.
26. Subparagraph (b) should be stricken, pursuant to Rule 12(f) of the North Carolina Rules of Civil Procedure. Admitted that the docket sheet in the Ally Financial case speaks for itself. Otherwise, paragraph 26 and all of its subparts (a) – (c) are denied.

FIRST DEFENSE AND MOTION TO STRIKE

Pursuant to Rule 12(f) of the North Carolina Rules of Civil Procedure, Ms. Springs moves that paragraph 19 and all of its subparts and paragraph 26 subpart (b) of the complaint be stricken. Paragraphs 19 and 26 contain statements that are immaterial, hearsay, prejudicial, suggest conclusions to the trier of fact and are not otherwise admissible.


SECOND DEFENSE AND MOTION TO DISMISS

Only after conclusion of the civil matter, in February 2014, Ms. Springs sought to share her litigation experiences to educate the public about pro se litigation. Ms. Springs had a good faith belief that her speech and use of the materials were protected by the First Amendment and the prior publication of the materials by the defendants in the Ally Financial case, the court and possibly others. When her speech and use were challenged, she sought to defend and protect her rights in court. She successfully challenged the court's authority to restrict her rights but did not prevail on the merits. Ms. Springs has complied in good faith with the court's orders. She removed those parts of the court restricted materials and disallowed public disclosure of the entire subject matter, on and before July 14, 2015. At no time, has Ms. Springs knowingly disobeyed any tribunal. For these reasons, the plaintiff's complaint should be dismissed.

WHEREFORE, the defendant Venus Y. Springs prays that:

1. The North Carolina State Bar's complaint against her be dismissed with prejudice; and
2. For such other and further relief deemed just and proper.

This the 8 day of June, 2018.



Eugene E. Lester III
Attorney for Defendant

OF COUNSEL:

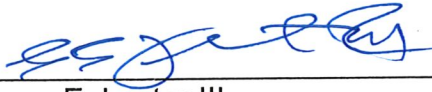
SHARPLESS & STAVOLA, P.A.
200 South Elm Street, Suite 400
Greensboro, North Carolina 27401
Telephone: (336) 333-6382

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ANSWER AND MOTIONS TO STRIKE AND DISMISS** was served upon the parties to this action by mailing a copy thereof by first-class, postage pre-paid mail to the following counsel of record:

Ms. Carmen Hoyme Bannon
North Carolina State Bar
P O Box 25908
Raleigh, NC 27611

This the 8 day of June, 2018.



Eugene E. Lester III
Attorney for Defendant

OF COUNSEL:

SHARPLESS & STAVOLA, P.A.
200 South Elm Street, Suite 400
Greensboro, North Carolina 27401
Telephone: (336) 333-6382