

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

1. NATIONAL ASSOCIATION OF)
FORENSIC COUNSELORS, INC., a Nevada)
Non-Profit Corporation, and)
2. AMERICAN ACADEMY OF CERTIFIED)
FORENSIC COUNSELORS, INC., d/b/a)
AMERICAN COLLEGE OF CERTIFIED)
FORENSIC COUNSELORS, a Nevada For-)
Profit Corporation,)
))
Plaintiffs,)
))
v.)
))
1. NARCONON INTERNATIONAL, a)
California Non-Profit Corporation, et al.)
))
))
Defendants.)

Case No. 14-cv-00187-RAW

**PLAINTIFFS’ RESPONSE AND INCORPORATED BRIEF IN OPPOSITION
TO DEFENDANT NARCONON FRESH START’S MOTION TO DISMISS**

COME NOW, Plaintiff National Association of Forensic Counselors, Inc. (“NAFC”) and Plaintiff American Academy of Certified Forensic Counselors, Inc. d/b/a American College of Certified Forensic Counselors (“ACCFC”) (collectively “Plaintiffs”), by and through their counsel of record Keesling Law Group, PLLC, and pursuant to FED.R.CIV.P. Rules 12(b)(2) and 12(b)(6) hereby submit Plaintiffs’ Response and Incorporated Brief in Opposition to Defendant Narconon Fresh Start’s Motion to Dismiss [Dkt. No. 325]. In support thereof, Plaintiffs state as follows:

INTRODUCTION

This case emanates from Defendants’ theft of Plaintiffs’ logos, trademarks, certifications and established business reputation in order to bait vulnerable victims into the Scientology

religion. Plaintiffs operate a certification board for forensic counselors. In order to operate the certification board, Plaintiffs have established a series of standards, skills, training and competencies required for professionals working with criminal offenders in addictions¹ to enhance the delivery of safe and effective treatment. This lawsuit involves the misappropriation and misuse of Plaintiffs' logos, trademarks, certifications and established business reputation by Defendants for the purposes of marketing Narconon programs for profits and ultimately promoting the Church of Scientology. Defendant Narconon Fresh Start ("Fresh Start") was added to the Complaint by virtue of its participation in the infringement and civil conspiracy.

STATEMENT OF RELEVANT FACTS

Based on the extraordinary breadth of the conspiracy, and to avoid unnecessary duplication, Plaintiffs incorporate by reference their Responses to the Motions to Dismiss filed by the other Defendants. Additionally, Plaintiffs incorporate the paragraphs in the Response to the Motion to Dismiss of Religious Technology Center ("RTC"), which sets forth the common scheme run by RTC and the exhibits 1 – 26 referenced therein. [Dkt. No. 261]. *For the clarity of the Record and for judicial economy, Plaintiffs have utilized a continuous numbering scheme and separately filed an appendix with the exhibits to the previously concurrently filed Responses to the Motions to Dismiss rather than filing the exhibits piecemeal with the individual Responses.* [Dkt. No. 341]. *Additionally, because Plaintiffs had also filed a Response to the Motion to Dismiss of Defendant David Lee with its own exhibits beginning at No. 1, Plaintiffs will list all exhibits from the David Lee Response as "DLEx."*

¹ The addictions certifications are the only relevant certifications for the purposes of this case. However, Plaintiffs also promote competency and training in the areas of criminal justice, mental health and corrections.

Fresh Start is an active contributor in the scheme described in the Complaint by virtue of its direct participation in the misuse and misappropriation of Plaintiffs' intellectual property with the obvious goals to further the profiteering of the Narconon Network and the Church of Scientology. [Dkt. 3 at ¶¶ 111, 112, 115, 173, 292-295]. Fresh Start's role in the civil conspiracy is detailed in the Complaint. Defendant Fresh Start is a treatment and rehabilitation facility operating as a part of the Narconon Network run by Narconon International. [Dkt. 3 at ¶ 111, 112]. Superintending entities, such as Narconon International, ABLE and RTC, set forth the common scheme in which the Moving Defendants participate to promote the Narconon Network and ultimately entice individuals into the Church of Scientology. [Dkt. 3 at ¶¶ 115, 119, 246, 253-254, and 256]. Fresh Start's direct participation is chronicled in the Complaint, which describes Defendant Joseph Saucedo using C.C.D.C. through Fresh Start, despite the fact that Plaintiffs have no record of Mr. Saucedo. [Dkt. 3 at ¶¶ 123, 173]. Additionally, Defendant's domain www.sunshinesummitlodge.com used the NAFC logo and certifications improperly and without consent. [Dkt. 3 at ¶¶ 125, 250].

Fresh Start did not attach an affidavit or other evidence to its Motion to Dismiss. Thus, Plaintiffs' Complaint provides the prima facie evidence for this Court to exercise personal jurisdiction over Fresh Start. However, in the event Fresh Start is attempting to incorporate the Affidavits from the other Defendants' Motions to Dismiss that are incorporated by reference by Fresh Start's Motion, the following additional facts highlight Fresh Start's connection to the trademark violations and civil conspiracy substantially carried out in Oklahoma:

The interconnectivity amongst the Defendants is astonishing². Fresh Start remains an active participant under the Narconon Network umbrella led by the Church of Scientology, RTC, ABLE and Narconon International. The Narconon Network cannot escape the web it has so carefully spun through individual Narconon treatment centers, such as Fresh Start. Despite Narconon International's Declaration to the contrary, the three Trustees of Narconon Oklahoma also hold or have held controlling positions throughout the Narconon Network and various Scientology enterprises. [See Excerpts from Narconon 990s, Exhibit 40]. A detailed review of the 990s shows Narconon International's President and Director Clark Carr is one of the Trustees of Narconon of Oklahoma, as well as a Trustee of **Narconon Fresh Start**, and was a Director of Applied Scholastics International.

Additionally, the following Directors of Narconon Oklahoma (who are also Oklahoma Defendants in this lawsuit) hold positions within the upper echelon of the Narconon Network: Defendant Michael St. Amand is a Trustee of **Narconon Fresh Start** [See Exhibit 95] and Defendant Gary Smith is listed as the CEO as well as a Key Employee of Narconon International. [Ex. 40]. Finally, **Narconon Fresh Start's** Vice-President and Secretary was Michael Kobrin, who is the husband of Helena Kobrin, the captive lawyer for the Defendant Church of Scientology International. [Ex. 40].

As an additional example of the interconnectivity of Narconon Network, Joni Ginsburg is not only a Trustee of Narconon of Oklahoma, but is also a Trustee of Criminon and of Applied

² It is necessary to point out Defendants' apparent strategy in the filing of all Defendants' numerous Motions to Dismiss. Certain motions are filed by only a single Defendant, while others are filed by groupings of Defendants. Yet, the groupings appear random with no real connection between the Defendants within the particular groups. For example, Defendants Robert Hernandez, his wife Defendant Daphna Hernandez, and Defendant FONI (founded by Mr. and Mrs. Hernandez) filed three separate motions, yet grouped themselves with other seemingly unrelated Defendants. Such convoluted filings lead one to believe Defendants are attempting to hide or minimize the incestuous nature of the Narconon Network.

Scholastics Western United States. Laurie Zurn holds the following positions in addition to being a Trustee of Narconon Oklahoma:

- Trustee – Narconon International
- Trustee – Applied Scholastics Western United States (ASWUS)
- Trustee – Applied Scholastics International (ASI)
- Trustee – Criminon
- Director – Hollywood Education and Learning Projects (HELP)
- Director and Vice President – Association for Better Living and Education (ABLE)

Non-party witness Eric Tenorio was the former Executive Director of Freedom Center, which is a Narconon treatment facility just like Fresh Start. [See the Affidavit of Eric Tenorio, Exhibit “31”]. During his twelve years working with Narconon in various roles, Mr. Tenorio personally observed the direct micromanagement of Narconon International and ABLE exercise over the individual Narconon centers. [Ex. 31]. Specifically, Narconon and ABLE must approve all websites an individual Narconon center uses before the site can “go live” on the Internet or before a site’s content is changed. [Ex. 31]. This approval necessarily includes Fresh Start’s website www.sunshinesummitlodge.com, which posted the NAFC logo in a box promoting the facility’s “Keys to Success.” [See excerpt from website, attached as Exhibit 98].

Mr. Tenorio’s statements demonstrate the continued control exercised by the lead organizations Defendant Narconon International and Defendant ABLE, which are under the specific control of Defendant RTC. These controlling entities set forth the common scheme in which Fresh Start participates to promote the Narconon Network and ultimately entice individuals into the Church of Scientology. [Dkt. 3 at ¶¶ 115, 119, 246, 253-254, and 256]. The scheme extends throughout the United States, Canada, and the United Kingdom, with a concentration of the conspiracy taking place in Oklahoma at Narconon’s flagship facility Arrowhead. [See Plaintiffs’ Response to RTC’s Motion to Dismiss, Dkt. 261].

To tie Fresh Start directly to the overarching conspiracy to draw members into the Church of Scientology, attached is a photograph of a plaque issued by Defendant David Miscavige on behalf of Defendant RTC to Fresh Start for its commitment to Scientology. [Fresh Start RTC Plaque, attached as Exhibit 96]. According to the Affidavit of David Venemon, a former employee of Fresh Start, the plaque hangs in Fresh Start's offices and was given to Fresh Start by the Church of Scientology. [Affidavit of David Venemon, Exhibit 97 at ¶ 9]. The Church of Scientology is congratulating Fresh Start for its recruitment efforts to bring people into Scientology. [*Id.*].

Fresh Start attempts to distinguish its individual role, which merely detracts from the reality of the situation. The intertwining and interconnectedness of the Defendants is convoluted and intricate, but a common thread runs through each: Narconon and Scientology. Fresh Start is equally involved in the violations and civil conspiracy, as alleged in detail by Plaintiffs, which stems from the core Narconon location in Oklahoma. As set forth herein, Defendant Narconon Fresh Start's Motion to Dismiss should be denied.

ARGUMENTS AND AUTHORITIES

I. STANDARD FOR MOTION TO DISMISS UNDER 12(b)(2) FOR LACK OF PERSONAL JURISDICTION

When faced with a motion to dismiss based upon FED.R.CIV.P. Rule 12(b)(2), “the plaintiff need only make a prima facie showing of personal jurisdiction to defeat the motion.” *OMI Holdings, Inc. v. Royal Ins. Co. of Canada*, 149 F.3d 1086, 1091 (10th Cir. 1998). Plaintiff's burden to make the prima facie showing in the early stages of litigation is light. *Intercon, Inc. v. Bell Atlantic Internet Solutions, Inc.*, 205 F.3d 1244, 1247 (10th Cir. 2000) (internal quotations omitted). “[O]n a motion to dismiss for lack of personal jurisdiction, the allegations of the complaint are taken as true to the extent they are not contradicted by

affidavits.” *American Land Program, Inc. v. Bonaventura Uitgevers Maatschappu*, 710 F.2d 1449, 1454 (10th Cir. 1983), quoting *Wyatt v. Kaplan*, 686 F.2d 276, 282 n. 13 (5th Cir. 1982). If contradicted by affidavits, the plaintiff bears the burden of responding with evidence to show a dispute. *Id.* Any factual disputes will be resolved in favor of the plaintiff. *Shrader v. Biddinger*, 633 F.3d 1235, 1239 (10th Cir. 2011). Once the prima facie showing is made by the plaintiff, the burden shifts onto the defendant to convincingly demonstrate the exercise of personal jurisdiction would offend the traditional notions of fair play and substantial injustice. *OMI Holdings*, 149 F.3d at 1091. In this case, Fresh Start did not contradict Plaintiffs’ allegations of jurisdiction. Accordingly, Plaintiffs’ allegations concerning jurisdiction are taken as true.

In order for the court to exercise personal jurisdiction over a defendant, the defendant must have minimum contacts with the forum state, such that having to defend a lawsuit there would not offend the traditional notions of fair play and substantial justice. *Shrader*, 633 F.3d at 1235, citing *Dudnikov v. Chalk & Vermilion Fine Arts, Inc.*, 514 F.3d 1063, 1070 (10th Cir. 2008). The contacts may either be general, meaning for any lawsuit, or specific, meaning for a lawsuit arising out of particular forum-related activities. *Id.* General jurisdiction is based on the “continuous and systematic” contacts with the forum state. *Id.* By contrast, specific jurisdiction requires a showing that 1) the out-of-state defendant purposefully directed his activities at residents of the forum state, and 2) that plaintiff’s injuries arise out of the defendant’s forum-related activities. *Id.* Once all conditions are met, the court then determines whether the exercise of personal jurisdiction would offend traditional notions of fair play and substantial justice. *Id.* at 1240. This requires a determination that the exercise of jurisdiction is reasonable in the circumstances. *Intercon*, 205 F.3d at 1247. The court reviews the following factors in deciding whether the exercise of jurisdiction is reasonable:

(1) the burden on the defendant, (2) the forum state's interest in resolving the dispute, (3) the plaintiff's interest in receiving convenient and effective relief, (4) the interstate judicial system's interest in obtaining the most efficient resolution of the controversies, and (5) the shared interest of the several states in furthering fundamental substantive social policies.

Id. at 1249. The interplay between the minimum contacts analysis and the determination of reasonableness of the exercise of jurisdiction by the Court evokes a sliding scale analysis, e.g. “an exceptionally strong showing of reasonableness may serve to fortify a borderline showing of [minimum contacts].” *OMI Holdings*, 149 F.3d at 1092, quoting *Ticketmaster-New York, Inc. v. Alioto*, 26 F.3d 201, 210 (1st Cir. 1994).

II. SPECIFIC PERSONAL JURISDICTION EXISTS

Fresh Start purposefully directed its activities towards Oklahoma and did so in a manner that damaged Plaintiffs through Fresh Start's participation in the civil conspiracy stemming from Oklahoma. In their Motion to Dismiss, the Moving Defendants focus a majority of their analysis on *Shrader v. Biddinger*, 633 F.3d 1235, 1241 (10th Cir. 2011) (“The maintenance of a web site does not in and of itself subject the owner operator to personal jurisdiction, even for actions relating to the site, simply because it can be accessed by residents of the forum state.”). As *Shrader* noted its restrictive approach requires “the forum state itself must be the focal point of the tort.” *Id.* at 1244, quoting *Dudnikov v. Chalk & Vermilion Fine Arts, Inc.*, 514 F.3d 1063, 1074 n. 9 (10th Cir. 2008). Fresh Start ignores the fact that Oklahoma is the focal point of the civil conspiracy, which is more than sufficient to trigger jurisdiction – even under the *Shrader* analysis.

Additionally, personal jurisdiction is triggered when the defendant is liable for contributory infringement. The Supreme Court has recognized that contributory liability under the Lanham Act exists beyond the party who actually misused the trademark. *Inwood*

Laboratories, Inc. v. Ives Laboratories, Inc., 456 U.S. 844, 853-854, 102 S.Ct. 2182, 2188, 72 L.Ed.2d 606 (1982). Even if the defendant does not actually use the mark, it can be responsible for infringement if it 1) induces another to infringe or 2) continues to supply its product to someone it knows or has reason to know is infringing. *Id.* Contributory liability for infringement is predicated upon direct infringement by another party. *1-800 Contacts, Inc. v. Lens.com, Inc.*, 722 F.3d 1229, 1249 (10th Cir. 2013).

Contributory liability does not distinguish between infringement pursuant to § 32 of the Lanham Act, § 43 of the Lanham Act or common law, which contain nearly identical elements except that registration of the mark provides prima facie evidence of both the mark's validity and exclusivity under § 32. *See Id.* at 1238 and 1240; *See also Utah Lighthouse Ministry v. Foundation for Apologetic Information and Research*, 527 F.3d 1045, 1050 (10th Cir. 2009). Fresh Start's control over its websites and its false advertising of Joseph Saucedo as C.C.D.C. strongly indicates Fresh Start's knowledge and direction concerning the infringement upon Plaintiffs' marks, or at minimum, constitute a product to be used as a vehicle for infringement.

The United States District Court for the Central District of California, in *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.*, 243 F.Supp.2d 1073 (C.D.Cal. 2003) [See Exhibit "35"], found specific jurisdiction where the Defendant was involved in contributory infringement connected to the forum state. The Supreme Court, in *Calder v. Jones*, 465 U.S. 783, 789, 104 S.Ct. 1482, 1486-87, 79 L.Ed.2d 804 (1984), recognized that purposeful availment is shown where the *effects* of a Defendants' conduct is felt in the forum state. *Grokster* is on point and was cited with approval in the U.S. District Court for the Southern District of New York. *See also Motown Record Co., L.P. v. iMesh.Com, Inc.*, 2004 WL 503720 (S.D.N.Y. March 12, 2004)(citing its approval of *Grokster*). [See Ex. 36].

Based on Fresh Start's contributory involvement in the infringement of its Co-Defendants and the effects in Oklahoma, specific jurisdiction exists. The creation and proliferation of websites that wrongfully use Plaintiffs' marks to bolster the Narconon Network and the Church of Scientology, demonstrate Fresh Start's knowledge and willingness to contribute to the infringing activities of its Co-Defendants.

The overt activities of a co-conspirator within the forum may subject the other co-conspirator to the jurisdiction of the form. *Newsome v. Gallacher*, 722 F.3d 1257, 1265 (10th Cir. 2013), citing *Melea, Ltd. v. Jawer SA*, 511 F.3d 1060, 1069 (10th Cir. 2007). The main requirement to trigger jurisdiction through conspiracy is that ***at least one*** of the conspirators has pursued the conspiracy within the forum state. *Id.* (emphasis added). Fresh Start cites only to a portion of *Melea* and attempts to use that narrow portion to set forth a bright line rule that does not exist. However, Fresh Start ignores the fact the Tenth Circuit acknowledges the circumstance where "a co-conspirator's presence within the forum might reasonably create the 'minimum contacts' with the forum necessary to exercise jurisdiction over another co-conspirator if the conspiracy is directed towards the forum, ***or substantial steps in furtherance of the conspiracy*** are taken in the forum." *Melea*, 511 F.3d at 1070 (emphasis added).

In this case (and as set forth herein) the largest grouping of Defendants is located in this forum, including the main players in the civil conspiracy: Defendants Narconon Arrowhead, The Pita Group, Inc., Gary Smith, Derry Hallmark, Kent McGregor. McGregor personally offered the falsified C.C.D.C. certifications, claimed a relationship to Plaintiffs that did not exist, and owns and operates numerous websites posting the falsified credentials of other Defendants. [Dkt. 3 at ¶¶ 159-163, 170, and 198-199]. It is precisely the wrongful and damaging activities committed by the Oklahoma Defendants against Plaintiffs in which Fresh Start participated and continues to

participate. The crux of Fresh Start's specific harmful activities and the connection to the Defendants located in this forum are more than sufficient to establish specific jurisdiction in the Tenth Circuit.

a. The Exercise of Jurisdiction is Reasonable under the Circumstances

An analysis of the five *Intercon* factors weigh heavily in favor of finding reasonableness in the exercise of personal jurisdiction over Fresh Start in this case. Particularly:

1) Burden on the Defendant – Although filed in Oklahoma, the ease of electronic filing in Federal Court makes this forum accessible from any location with Internet. As to Fresh Start in particular, the firm that represents Fresh Start also represents other defendants that have already filed their own motions and are already familiar with the facts of this case. This familiarity and ability to consolidate motions, such as this Motion, greatly reduces the costs and alleged burden to the Defendants to this case. Further, the allegations in this Complaint involve wrongful acts across the United States, Canada, and the United Kingdom. Since the majority of the Defendants are located in the United States, the largest number of individual defendants are located in Oklahoma, and the hub of the civil conspiracy is in the Eastern District of Oklahoma, the Eastern District of Oklahoma is the most centrally located forum.

Plaintiffs were not required to devise creative and imaginative arguments to justify leaving their home state of Indiana and choosing to file the instant case in the Eastern District of Oklahoma; they merely had to follow the trail of breadcrumbs left by RTC, COSI, Narconon International, governed by autocratic mastermind David Miscavige, and utilizing the hands and feet of the other Defendants. The trail led Plaintiffs straight to the epicenter at Narconon Arrowhead in the Eastern District of Oklahoma. Thus, the first factor weighs in favor of exercising jurisdiction.

2) Forum state's interest in resolving the dispute – This State houses the majority of the wrongful activities set forth in Plaintiffs' Complaint with the largest number of Defendants being citizens of this State. Additionally, Narconon Arrowhead is considered by the Church of Scientology to be the hub of the Narconon Network. Also, Oklahoma has an interest in adjudicating a dispute like this, which involves many non-residents because the conduct affects Oklahoma residents. *See OMI Holdings, supra*, 149 F.3d at 1096. Oklahoma residents are the targets of Defendants' campaign to grow Narconon Arrowhead, the Narconon Network and consequently the Church of Scientology. Accordingly, the second factor weighs in favor of exercising jurisdiction.

3) Plaintiffs' interest in receiving convenient and effective relief – Plaintiffs have recently uncovered this enormous conspiracy involving at least eighty-two (82) separate defendants. If Plaintiffs were required to file a separate lawsuit for each Defendant, Plaintiffs' rights would be significantly hindered. Plaintiffs, including the Non-Profit NAFC, do not have the expansive and unlimited resources to pursue litigation on such a large scale. Instead, the burden would be so overwhelming as to prevent Plaintiffs from being to pursue their claims at all. Specifically, in relation to both the trademark infringement and the civil conspiracy claims, there would be a large amount of duplicative work necessary with regard to discovery, especially with the depositions of multiple defendants whose conduct touches multiple jurisdictions. Plaintiffs' interest far outweighs Defendants' interest in this matter. Therefore, the third factor weighs in favor of exercising jurisdiction.

4) Interstate judicial system's interest in obtaining the most efficient resolution of controversies – The key inquiries for this portion of the analysis are “the location of witnesses, where the wrong underlying the lawsuit occurred, what forum's substantive law governs the

case, and whether jurisdiction is necessary to prevent piecemeal litigation.” *OMI Holdings, supra*, 149 F.3d at 1097. Each of these inquiries, mostly discussed in paragraphs 1-3 above, favors the Court exercising jurisdiction in this case. A majority of the material witnesses are located in Oklahoma, the epicenter of the underlying wrongs occurred in Oklahoma, and substantial steps in furtherance of the conspiracy occurred in Oklahoma. Further, as discussed in factor 3 above, multiple depositions of the same defendants hardly constitutes the most efficient resolution of controversies. Finally, the governing is federal, and piecemeal litigation would most certainly result if Plaintiffs were forced to dismiss certain Defendants. Accordingly, the fourth weighs in favor of exercising jurisdiction.

5) Shared interest of the several states in further fundamental substantive social policies – Public policy considerations are endemic to this case. People put their lives as well as the lives of their children, spouses, parents, etc., into the hands of professionals working in the drug rehabilitation field. The hijacking of the Plaintiffs’ marks and accreditation creates a false aura of expertise where none exists, and the public, as well as Plaintiffs, are damaged as a result. While some Defendants argue that the violations were unintentional or focus on the relative size of the violation in the scheme, it only underscores the importance of this Court exercising jurisdiction to maintain a single lawsuit rather than burdening the innocent Plaintiffs with the necessity of filing lawsuits in numerous states. Litigating this case together in Oklahoma is analogous to having all the pieces of a jigsaw puzzle in one place. Permitting Defendants to scatter the pieces of the jigsaw puzzle throughout various jurisdictions across the country will prevent the entire picture, the civil conspiracy, from being exposed and uncovered.

Further, because this lawsuit is premised upon federal law, several states share an interest with Oklahoma and the policies embodied by the federal law. As for the international

Defendants, they have all willingly participated in the growth of the Narconon Network, which is a United States network. The foreign citizens chose to conduct business with Narconon and the laws governing this dispute are in the United States. For these reasons, the fifth factor weighs in favor of exercising jurisdiction.

III. PLAINTIFFS' COMPLAINT SUFFICIENTLY STATES CLAIMS AGAINST THE MOVING DEFENDANTS

Due to the Moving Defendants' incorporation of the Motion to Dismiss and Brief in Support of Defendants the Pita Group, Inc., et al., Plaintiffs hereby incorporate by reference in their entirety the Response to the Motion to Dismiss of the Pita Group, Inc., et al. as well as all other Responses to Defendants Motions to Dismiss that have been filed in this matter.

IV. ALTERNATIVE REQUEST FOR LEAVE TO AMEND

Assuming *arguendo* the Court finds Plaintiffs failed to allege sufficient facts to plead a claim for civil conspiracy, Plaintiffs hereby request leave to amend. Again, Plaintiffs incorporate by reference in entirety the Response to the Motion to Dismiss of the Pita Group, et al. as well as all other Response to Defendants' 12(b)(6) Motions to Dismiss that have been filed in this matter.

CONCLUSION

As set forth herein, Plaintiffs have presented sufficient facts to make a prima facie showing of minimum contacts in the State of Oklahoma to establish personal jurisdiction over Defendant Narconon Fresh Start. Under the circumstances of this case, all of the relevant factors weigh in favor of the reasonableness of this Court exercising personal jurisdiction over the Narconon Fresh Start. Additionally, Plaintiffs have set forth a series of well-pleaded facts sufficient to set forth Plaintiffs' claims against all Defendants. Alternatively, Plaintiffs request leave to amend the Complaint if necessary.

WHEREFORE, Plaintiffs National Association of Forensic Counselors, Inc. and American Academy of Certified Forensic Counselors, Inc. d/b/a American College of Certified Forensic Counselors respectfully pray the Court deny Defendant Narconon Fresh Start's Motion to Dismiss and for such further relief as the Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Charles D. Neal
Donald M. Bingham
David L. Bryant
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