

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

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OCT 21 2013

CIRCUIT & DISTRICT  
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SHELBY COUNTY

ROBERT R. RILEY, JR., an individual )  
)  
Petitioner, )  
)  
)  
v. )  
)  
ROGER SHULER, as an individual and )  
in his capacity as owner and operator of )  
THE LEGAL SCHNAUZER, a website, )  
and CAROL T. SHULER, an individual and in )  
her capacity as an administrator of and )  
contributor to THE LEGAL SCHNAUZER, )  
a website, )  
)  
Respondents. )

Civil Action No.: 2013-236

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LIBERTY DUKE, an individual )  
)  
Petitioner, )  
)  
)  
v. )  
)  
ROGER SHULER, as an individual and )  
in his capacity as owner and operator of )  
THE LEGAL SCHNAUZER, a website, )  
and CAROL T. SHULER, an individual and in )  
her capacity as an administrator of and )  
contributor to THE LEGAL SCHNAUZER, )  
a website, )  
)  
Respondents. )

Civil Action No.: 2013-237

ORDER ON PETITIONS FOR CONTEMPT

On October 17, 2013, the Court held a hearing on Petitioner Robert R. Riley's Petition to Hold Respondents in Contempt and Petitioner Liberty Duke's Petition to Hold Respondents in Contempt (the "Petitions for Contempt"). Petitioners and their respective counsel attended the hearing. The Court heard evidence that the Respondents had been properly notified of the hearing, including testimony that the Clerk's Office had mailed, via certified mail and regular mail, Respondents this Court's order setting forth the date, time, and notice of the hearing.

Despite being given an opportunity to do so, Respondents did not attend the hearing, did not file anything in response to the Petitions for Contempt, and did not present any evidence or testimony to rebut the Petitions for Contempt.

The Court has previously issued a Temporary Restraining Order (the "TRO"), wherein the Court ordered the Respondents

[T]o cease and desist immediately from publishing (including oral publication to any third party), posting online, or allowing to be posted online any defamatory statement about Petitioners, including, but not limited to, any statement that Petitioners had an extramarital affair, that Petitioner Riley fathered a child out of wedlock with Petitioner Duke or anyone else, that Ms. Duke had an abortion, that Petitioner Riley paid or was in any way involved in paying to Ms. Duke or anyone else any monetary funds from any source related to said alleged extramarital affair or abortion, that any such funds were paid by Petitioner Riley or anyone acting on his behalf in exchange for Ms. Duke having an abortion or were in any way related to an affair or an abortion, and that Petitioner Duke received any such funds. The Respondents are ordered to take all efforts to ensure that the subject information is taken off any and all websites that they enable, host, own and/or operate and that said information is not allowed to be posted or in any way published pending further Order of this Court. These efforts shall include, but not be limited to, taking the subject information off of the website known as "The Legal Schnauzer" and removing it from all video-sharing and video-posting websites including, but not limited to, Youtube.

The TRO further ordered that

[A]ll filings, pleadings, and exhibits filed in these cases shall be filed under seal and that their contents shall not be published – either in writing or orally – in any medium to any third party. Accordingly, unless otherwise ordered by this Court, the Respondents shall not publish or cause to be published in any medium – either in writing or orally – this Order, any filings, pleadings, and exhibits filed in these cases, or the contents of said filings, pleadings, and exhibits.

The Court thereafter issued a Preliminary Injunction, wherein the Court ordered the Respondents

[T]o cease and desist immediately from publishing (including oral publication to any third party), posting online, or allowing to be posted online any defamatory statement about Petitioners, including, but not limited to, any statement that Petitioners had an extramarital affair, that Petitioner Riley fathered a child out of wedlock with Petitioner Duke or anyone else, that Ms. Duke had an abortion, that Petitioner Riley paid or was in any way involved in paying to Ms. Duke or anyone else any monetary funds from any source related to said alleged extramarital affair or abortion, that any such funds were paid by Petitioner Riley or anyone acting on his behalf in exchange for Ms. Duke having an abortion or were in any way

related to an affair or an abortion and/or as part of an effort to conceal an abortion, and that Petitioner Duke received any such funds. The Respondents are ordered to take all efforts to ensure that the subject information is taken off any and all websites that they enable, host, own and/or operate and that said information is not allowed to be posted or in any way published pending further Order of this Court. These efforts shall include, but not be limited to, taking the subject information off of the website known as "Legal Schnauzer," taking the subject information off all Twitter accounts that any Respondent maintains, and removing the subject information from all video-sharing and video-posting websites including, but not limited to, Youtube.

The Preliminary Injunction further ordered that

[A]ll filings, pleadings, and exhibits filed in these cases shall be filed under seal and that their contents shall not be published – either in writing or orally – in any medium to any third party. Accordingly, Respondents shall not publish or cause to be published in any medium – either in writing or orally – this Order, any filings, pleadings, and exhibits filed in these cases, or the contents of said filings, pleadings, and exhibits.

Upon consideration of the testimony and evidence presented at the October 17, 2013 hearing, the Court finds that the Petitions for Contempt are due to be granted. The Respondents were forewarned in the Preliminary Injunction that the Court will not tolerate non-compliance with its orders, and the testimony and evidence clearly show that Respondent Roger Shuler has made a willful, continuing failure or refusal to comply with the TRO and the Preliminary Injunction. That willful, continuing failure or refusal to comply includes Respondent Roger Shuler continuing to publish statements that Petitioners had an extramarital affair, that Petitioner Riley fathered a child out of wedlock with Petitioner Duke, that Petitioner Duke had an abortion, that Petitioner Riley paid or was involved in paying to Petitioner Duke monetary funds related to said alleged extramarital affair or abortion, that said funds were paid in exchange for Petitioner Duke having an abortion and/or as part of an effort to conceal an abortion, and that Petitioner Duke received any such funds. Respondent Roger Shuler published these statements on repeated occasions from October 1, 2013 through October 16, 2013. Moreover, Respondent Roger Shuler has not removed similar statements that he published on "Legal Schnauzer" in January and July of 2013. Respondent Roger Shuler's willful, continuing failure or refusal to comply also includes publishing filings, pleadings, and exhibits filed in these cases, which he did on repeated occasions from October 1, 2013 through October 16, 2013.

The testimony and evidence presented at the October 17, 2013 hearing also showed that Respondent Carol Shuler is involved, to some degree, with "Legal Schnauzer," a forum website on which the aforesaid contempt took place. "Legal Schnauzer" purports to be a joint enterprise between Respondent Roger Shuler and Respondent Carol Shuler: it describes itself as "one couple's fight against injustice" and entries thereon reference "our reporting." Thus, there is evidence to conclude that Respondent Carol Shuler has also demonstrated a willful, continuing failure or refusal to comply with the TRO and the Preliminary Injunction, though perhaps to a lesser degree than Respondent Roger Shuler.

Based on the foregoing, IT IS HEREBY ORDERED THAT:

1. Pursuant to Ala. R. Civ. P. 70A(2)(B) and (2)(D), the Respondents are found to have committed civil contempt and that said contempt is constructive in nature.

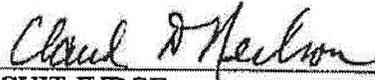
2. The Respondents may purge themselves of the contempt by removing the above-described entries off of "Legal Schnauzer," taking the above-described entries off all Twitter accounts that any Respondent maintains, and removing the above-described entries from all video-sharing and video-posting websites including, but not limited to, Youtube.

3. Pursuant to Ala. R. Civ. P. 70A(e)(2), Respondent Roger Shuler is hereby committed to the custody of the Shelby County Sheriff until such time as he purges himself of the contempt by complying with the TRO and the Preliminary Injunction. It is believed that Respondent Roger Shuler resides at, and is present at, 5204 Logan Drive, Birmingham, Alabama 35242. The Shelby County Sheriff's Office shall effectuate the custody of Respondent Roger Shuler in a manner that is consistent with its policies and Alabama law, and in a manner that it believes is best to minimize the threat to the general public and to the deputies charged with effectuating custody.

4. The Court reserves determination on whether to remand Respondent Carol Shuler to the custody of the Shelby County Sheriff.

5. Due to the safety concerns outlined above, the Clerk's Office shall not issue service of this Order to Respondents. Instead, service shall be made by the Shelby County Sheriff's Office.

DONE and ORDERED this the 21<sup>st</sup> day of October, 2013.



CIRCUIT JUDGE

Retired, Specially Appointed by the  
Alabama Supreme Court

Cc: Counsel for Petitioners  
Respondent Roger Shuler  
Respondent Carol T. Shuler