

CHRISTOPHER L. SCILEPPI
LAW OFFICE OF CHRISTOPHER L. SCILEPPI, P.L.L.C.
100 N. Stone Avenue, Suite 508
Tucson, Arizona 85701
Telephone: (520) 449-8446
Facsimile: (520) 449-8447
Email: info@scileppilaw.com
State Bar No: 021591
Attorney for Plaintiffs Tiffany and Philip Bredfeldt

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

TIFFANY BREDFELDT AND PHILIP
BREDFELDT,

Plaintiffs,

vs.

TODD GREENE,

Defendant

Case No.: C20131650

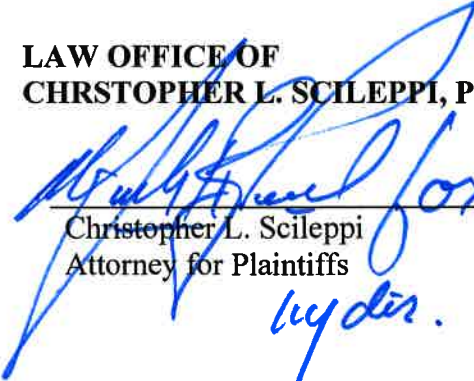
(Hon. Richard E. Gordon)

SUPPLEMENTAL BRIEFING ON
MOTION TO DISSOLVE

COMES NOW, Plaintiffs Tiffany and Philip Bredfeldt, by and through counsel undersigned and hereby submit their supplemental briefing on the Motion to Dissolve previously filed by the Defendant.

RESPECTFULLY SUBMITTED this 29th of July, 2016.

LAW OFFICE OF
CHRISTOPHER L. SCILEPPI, PLLC



Christopher L. Scileppi
Attorney for Plaintiffs
by dis.

1 **ORIGINAL** of the foregoing filed
2 this 29th of July, 2016 with:

3 Clerk of the Superior Court

4 **COPY** of the foregoing delivered electronically
5 this 29th of July, 2016 to:

6 Hon. Richard E. Gordon
7 Mr. Kent Davis, Esq.
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 An injunction is a “writ or order requiring a person to refrain from a particular act.”
3 Black’s Law Dictionary (9th Ed. 2009), available at Westlaw BLACKS. At issue in this matter
4 is whether the injunction, as presently constituted amounts to an infringement upon the
5 Defendant’s First Amendment rights to Freedom of Speech.

6 The Supreme Court has stated that it “cannot accept the view that an apparent limitless
7 variety of conduct can be labeled ‘speech’ when the person engaging in the conduct intends
8 thereby to express an idea.” *United States v. O’Brien*, 391 U.S. 367, 376, 88 S.Ct. 1673
9 (1968). “In deciding whether particular conduct possesses sufficient communicative elements
10 to bring the First Amendment into play, [the Supreme Court has] asked whether ‘[a]n intent to
11 convey a particularized message was present, and [whether] the likelihood was great that the
12 message would be understood by those who viewed it.” *State v. Brown*, 207 Ariz. 231, 235,
13 85 P.3d 109, 113 (App. 2004) (quoting *Texas v. Johnson*, 491 U.S. 397, 404, 109 S.Ct. 2533,
14 2538-39 (1989). “Prohibiting harassment is not prohibiting speech, because harassment is
15 not...protected speech. Harassment is not communication, although it may take the form of
16 speech.” *Thorne v. Bailey*, 846 F.2d 241, 243 (4th Cir. 1988).

17 Historically, courts have held that the use of a telephone for harassment purposes
18 “clearly implicates conduct.” *State v. Musser*, 194 Ariz. 31, ¶8, 977 P.2d. 131, ¶8 (1999); *see*
19 *also Thorne*, 846 F.2d at 243 (telephone harassment prohibits conduct and not protected
20 speech); *Gormley v. Director, Connecticut State Dep’t. of Probation*, 632 F.2d 938, 941-42
21 (2d Cir. 1980) (what is proscribed is the making of a telephone call, with the requisite intent
22 and in a specified manner).

1 Relative to this case, there is a clear difference between posting a blog entry to the
2 Internet about the very real debate about whether restraining orders can be abused – which is
3 what the Defendant claims to have been doing – and utilizing one’s blog to terrorize,
4 demonize, harass, and defame another – which is what the Defendant has actually been doing
5 since 2008. While this case involves Defendant’s use of the Internet broadly and tags
6 specifically to make contact with and harass the Plaintiffs and their family, it is not the first
7 time this issue has arisen in the law.

8 In *People v. Gonzalez* (New York Supreme Court 15-6081M) the victim had been
9 granted an order of protection against his ex-girlfriend Maria Gonzalez, which ordered the
10 defendant to “refrain from communication or any other contact, directly or indirectly through
11 third parties, by mail, telephone, e-mail, voicemail, or other electronic or any other means.”
12 Ms. Gonzalez thereafter submitted two posts to Facebook wherein she called the victim “sad”
13 and “stupid.” In these posts, Ms. Gonzalez tagged the victim. The judge there found that the
14 “allegations that she contacted the victim by tagging her in a Facebook posting which the
15 victim was notified of is sufficient for pleading purposes to establish a violation of the order
16 of protection.” While tags on Facebook may differ from the tags employed by the Defendant
17 – the former are primarily understood to be direct contact while the latter are likely indirect
18 contact – the fact remains that they are contact nonetheless.

19 The injunction in this case contains four specific important restrictions. They are as
20 follows:

- 21 • “The defendant is ordered and enjoined from having direct communication or
22 initiating direct communication with any of the plaintiffs’ employees,
23 employers, or family members.”
24

- 1 • “The defendant shall immediately cease and desist all future publications on
- 2 his website or otherwise.”
- 3 • “[T]he defendant shall not make additional publications, oral, written, web
- 4 based or other communications/publications regarding the plaintiffs to
- 5 colleagues, national organizations, family members, employees, employers...”
- 6 • “[T]he defendant shall immediately remove all “tags” associated in any way,
- 7 direct or indirect, to plaintiff, her employer, or occupation.”

8 Plaintiffs concede that the second of these, the proscription outlined in paragraph 6 of
9 the May 20, 2013 Minute Entry/Order is overbroad and cannot survive First Amendment
10 scrutiny. However, the remaining three provisions are legitimate proscriptions of conduct that
11 does not constitute speech and clearly amounts to harassment. It is imperative that the Court
12 appreciate the basis for the breadth and severity of the injunction – it was borne out of the fact
13 that the Defendant’s invasive and defamatory behavior was exceedingly broad.

14 Twenty years ago, before the advent of Google searching, a Court would not have
15 permitted a similarly situated Defendant to contact via telephone or U.S. Mail a similarly
16 situated plaintiff’s friends, colleagues, family members, or employers in order to damage that
17 person’s reputation. Today, those contacts (and resulting identical damage) can be made via
18 the Internet – specifically via e-mail and through blogs that utilize tagging to manipulate
19 search results.

20 In the most direct of terms, this Defendant has used tags on his website (both in posts
21 and hidden tags on images) and search engine optimization to take over and ultimately control
22 the Plaintiffs’ public images, and to a lesser extent the images of their family members and
23 friends. At times, even since the May 2013 order was issued, the first several pages of Google
24

1 search results for “Tiffany Bredfeldt” or “Philip Bredfeldt” contained numerous links to
2 Defendant’s defamatory and invasive website.¹ That was no accident; it was wholly
3 intentional.² It was the byproduct of the Defendant tagging Mr. and Dr. Bredfeldt in his posts
4 and engineering his posts and his tags in a way to appeal to Google’s algorithm that controls
5 how it displays its search results.

6 The test to determine whether conduct which takes the form of speech is protected
7 amounts to whether there was “[a]n intent to convey a particularized message...and
8 [whether] the likelihood was great that the message would be understood by those who
9 viewed it.” *Johnson*, 491 U.S. at 404. Plaintiffs would urge the Court to consider that test as it
10 reviews the admitted exhibit entitled “‘She Wasn’t Allowed to Have FRIENDS’: Emails to
11 Todd Greene About His False Accuser’s Childhood (Growing Up the Hargis Way).” While
12 reasonable minds could potentially differ on whether the content of that blog post conveys a
13 particularized message, the Defendant’s use of a litany of tags at the end of the post – tagging
14 Dr. Raymond Bredfeldt (Plaintiff’s father), GaLyn Hargis (Plaintiff’s Mother), Michael
15 Honeycutt, Ph.D. (Plaintiff’s boss), Michael Honeycutt TCEQ (Plaintiff’s boss and employer),
16 Parson Hills Elementary School (Plaintiff’s mother’s employer), Presbyterian Church in
17 America (Plaintiff’s parents’ church), etc. show an intent not to merely discuss openly issues

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20 ¹ A significant amount of the results that did not link directly to Defendant’s blog linked to
21 websites inspired by other people who had befriended the Defendant and whom he had
solicited to post on his behalf.

22 ² See attached Exhibit A – wherein Defendant, via letter to one of Dr. Bredfeldt’s then-
23 supervisors, explains that the intent of his blog is not to speak on restraining order abuse, as
24 would be implied by its name, but rather to expose “Tiffany’s conduct and frauds...the ploys
Tiffany used to camouflage her hanky-panky...so long as I’m burdened with Tiffany’s frauds,
however, I intend nevertheless to keep lighting candles where I can as my time and energies
allow.”

1 of the day, but rather to harass and communicate with protected persons. Put bluntly, there is
2 no purpose of the tags other than to cause contact with and manipulate the public images of
3 private persons. Unquestionably, these actions by the Defendant amount to conduct; not
4 speech. Moreover, this conduct was not undertaken infrequently or even occasionally. On the
5 contrary, it was repeated, it was targeted, and it was unrelenting.

6 It should be noted that this Court's order of 2013 was a result of more than 5 years of
7 even more invasive behavior by the Defendant, including hundreds of direct third party
8 contacts. The Court should not lose sight of the fact that the purpose of this injunction – like
9 any protective order – is to ensure that a particular Defendant leaves a particular Plaintiff
10 alone. That is exactly what Judge Cornelio was attempting to accomplish in his May 2013
11 order. The order was necessitated by the Defendant's past conduct and its necessity has only
12 been highlighted by the Defendant's conduct in the three-plus years since its issuance.

13 The Court can excise from the May 2013 order the restriction that the Defendant
14 refrain from any publications on his website. Additionally, the Court could certainly clean up
15 the order's language with respect to tagging, direct and indirect communication, and invasion
16 of privacy. Most importantly, the Court must ensure that the order's purpose – to prevent even
17 more years of harassment, defamation, and contact (both direct and indirect) of Plaintiffs by
18 Defendant – is safeguarded in its revised form. Mr. and Dr. Bredfeldt merely want to be left
19 alone and came to this Court as a last resort. Additionally, to the extent this Court is interested
20 in modifying or revising the order, a provision prohibiting the Defendant from inducing third
21 parties to create similar blog posts employing similar tagging and search engine optimization
22 methods would be justified. Ultimately though, this Court can and should ensure that the
23 order presently in place continues to serve those legal aims.

EXHIBIT A

Todd Greene
 3661 N. Campbell Ave. PMB 216
 Tucson, AZ 85719
 dented satinrogue@gmail.com
 (520) 269-1957
 October 13, 2011

Roberta Grant, Toxicology Div. Manager
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, TX 78711-3087

Dear Dr. Grant,

I'm writing in regard to public frauds committed by a TCEQ toxicologist, Dr. Tiffany Gail Bredfeldt, a former acquaintance of my family's and mine. These frauds include felony perjuries to multiple courts in Arizona for which Dr. Bredfeldt will be vulnerable to prosecution until the fall of 2013. The story behind them is a puerile and sordid one but one I believe should be brought to your attention, because it speaks to Tiffany's ethics and professional suitability.

I was stalked by Tiffany several years ago at my home, where she lingered nightly to attract my attention and companionship. She was married but evidently removed her wedding ring and took care that her husband never followed or met her there. I had found Tiffany hanging around outside of my house a week or so before. She expressed an interest in boarding a horse she owned in the stable my house lies next to and not long afterwards moved it into the stall nearest my front yard. The stable where she lodged her horse is the smaller of two on the six-acre property where I live that are owned and managed by my mother, who had just been diagnosed with breast cancer at the time Tiffany insinuated herself into our lives.

Tiffany's doctoral studies focused on carcinogenesis, and she used her knowledge of cancer to get close to my mother and thereby to me, which had apparently been her aim from the start. Tiffany may even have followed me home. She courted my attentions and came onto me relentlessly for months—the two of us meeting by night at my home—all the while counterfeiting as a single woman and behaving as a friend (and more than a friend). Then she disappeared. I don't know to this day what her scheme was, but to cover up her extramarital monkey

business, she falsely alleged to the police and several courts that I had serially sexually harassed her and was a threat to her life and the lives of everyone she was concerned I would talk to about her hanky-panky—her husband, her friends, and even her mother who lived three states away. Her outrageous and foully calculated falsehoods are ones that stick like mineral scum to a man's record and psyche, and they have profoundly compromised my life since (as well as the lives of my family and others whom Tiffany deceived).

I can't comment on Tiffany's qualities as a scientist and won't presume to. I know her to be a very intelligent woman and believe her to be an exceptionally able researcher. It's her qualities as a human being, rather, that I want to bring to your notice. My opinion is that Tiffany is capable of any form of fraud that advances her personal agenda provided the risks of its being discovered and her being held to account for it are negligible. I've never met a shrewder or more viciously self-serving liar, with or without a Ph.D.

Trying to extricate myself from Tiffany's lies has cost me many thousands of dollars—and a good deal of my sanity besides. I've been in and out of lawyers' offices and courthouses with this business for five years, most recently last fall. I even employed an attorney in 2009 to offer Tiffany a quiet, blameless, and risk-free out: cooperation in wiping the slate clean. But her pride and drive to excel are such that she'd sooner cling to her frauds than cop to them. These frauds were cunningly constructed and committed on numerous public officials (including five Pima County judges), besides on friends, family, and her former colleagues and employers at M. D. Anderson Cancer Center, through which institution I had to have her served with a court summons in 2010. I believe it was for the frauds I've described that Tiffany left M. D. Anderson.

Tiffany had a stringent Southern Baptist upbringing. It could be that her propensity to lie begins and ends with her sexual proclivities and that she just needs a parental figure to guide her toward a responsible, adult course of action. And the part of me that resonated with her when I knew her is disgusted by the prospect of her laming her career over something so juvenile. I don't think Tiffany is beyond redemption, but she has maliciously injured my family and made a hash of my life—I meant to be a professional children's writer by now, as she very well knew—and I frankly feel that unless she reforms she has no place in the field of science, where personal accountability and faithfulness to fact should be absolutes.

I've all but exhausted my recourses to the law, so I've recently published a blog about Tiffany's conduct and frauds on this site: restrainingorderabuse.com (A restraining order deviously taken out in the name of her husband, a complete stranger to me and everyone I know, was among the ploys Tiffany used to camouflage her hanky-panky and make herself appear the victim, a role that

gratifies her yen for attention.) The first two posts on the blog will familiarize you with the ABC's of the matter should you wish to know more about it. Court documents, Tiffany's contradictory and fiendishly fraudulent public statements, witness affidavits, and the aforementioned letter from my attorney are available online for your perusal in the posts entitled, "Airing Tiffany's Dirty Briefs," "Don't Cry, Dear...", and "Court Sport." You'll also find a link on the blog to an August 26, 2011 column published in the Internet edition of the *Tucson Weekly* that summarizes and editorializes on these posts.

Publicizing this matter hardly thrills me—I'd much rather be writing children's humor with my peace of mind restored—but no other course has availed me in clearing my name of Tiffany's filth, and my story may be of value to others who have been similarly abused or who advocate against legal abuses. I'm not at all confident I can perforate the darkness that shrouds the issues raised in the blog. So long as I'm burdened with Tiffany's frauds, however, I intend nevertheless to keep lighting candles where I can as my time and energies allow. (This has taxed me sorely, and I've been working with a loaner laptop that I've had to return to its 12-year-old owner, so I haven't yet explored Facebook, Twitter, etc., or otherwise begun in earnest to draw attention to the blog on other sites.)

Whether or how you act on what I've told you I leave to your discretion. You are of course welcome to contact me if I can shed further light on the matter for you or provide additional substantiation of what I've disclosed in this letter and in the blog.

Sincerely,

Todd Greene

