

Jill Clark, P.A.  
2005 Aquila Avenue North  
Golden Valley, MN 55427

## FAX COVER SHEET

**TO:** CIVIL FILING

**FAX:** 612/348-2131

**TO:** Albert Goins, Sr., Esq.

**FAX:** 612/339-3853

**FROM:** Jill Clark, Esq., Jill Clark, P.A.

**FAX:** 763/417-9112

**PHONE:** 763/417-9102

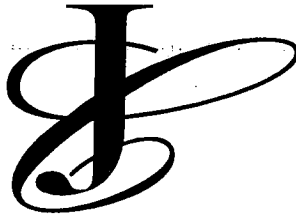
**EMAIL:** [jill@jillclarkpa.com](mailto:jill@jillclarkpa.com)

**DATE:** November 17, 2009

**RE:** Moore v. Hoff et al (27-CV-090-17778)

**PAGES (including this cover sheet):** 24

**MESSAGE:**



November 17, 2009

**CIVIL FILING**

Fourth Judicial District Court Administration  
Hennepin County Government Center  
300 S. 6<sup>th</sup> Street  
Minneapolis, MN 55487

Re: Moore v. Hoff et al (27-CV-09-17778)

Enclosed for filing please find:

- Plaintiff's Notice of Motion and Motion to Disqualify Counsel;
- Plaintiff's Memorandum of Law Supporting said motion;
- Affidavit of Jill Clark and exhibits; and
- Affidavit of Jerry Moore

Motion filing fee as well as fax filing fee will follow by U.S. mail.

Sincerely,



Jill Clark

JEC/slf

c: Client; Mr. Albert T. Goins, Sr.

**JILL CLARK, P.A. ATTORNEY AT LAW**

2005 AQUILA AVENUE NO. • GOLDEN VALLEY, MINNESOTA 55427 • PHONE: 763-417-9102 • FAX: 763-417-9112 • E-MAIL: JILL@JILLCLARKPA.COM

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

---

Jerry L. Moore,

Civil No. 27-CV-09-17778

Plaintiff,

v.

**NOTICE OF MOTION & MOTION  
TO DISQUALIFY COUNSEL**

Donald W.R. Allen, individual and as  
Principal of V-Media Development  
Corporation, Inc. a Minnesota Non-  
Profit corporation, John Hoff a/k/a  
Johnny Northside, and John Does  
1-5,

Defendants.

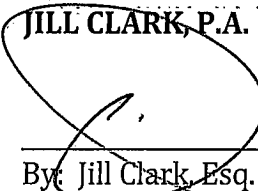
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**PLEASE TAKE NOTICE THAT**, on December 1, 2009, at 8:30 a.m., in the Courtroom of the  
Honorable Denise Reilly, Hennepin County Government Center, 300 S. 6<sup>th</sup> Street, Minneapolis,  
MN 55427. Plaintiff will move the Court for an order disqualifying opposing counsel due to  
conflict of interest between the defendants.

Dated: November 17, 2009

**ATTORNEYS FOR PLAINTIFF**

**JILL CLARK, P.A.**



---

By: Jill Clark, Esq. (#196988)  
2005 Aquila Avenue North  
Minneapolis, MN 55427  
(763) 417-9102

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

---

Jerry L. Moore,

Civil No. 27-CV-09-17778

Plaintiff,

v.

**PLAINTIFF'S MEMORANDUM  
SUPPORTING HIS MOTION  
TO DISQUALIFY COUNSEL**

Donald W.R. Allen, individual and as  
Principal of V-Media Development  
Corporation, Inc. a Minnesota Non-  
Profit corporation, John Hoff a/k/a  
Johnny Northside, and John Does  
1-5,

Defendants.

---

**INTRODUCTION**

Regretfully, Plaintiff is in the position of having to move to disqualify Attorney Albert Goins, Sr. of Goins Law Offices, Ltd., and that firm, from representing any of the defendants in this action.

**FACTUAL STATEMENT**

Plaintiff filed his summons and complaint in this action on **June 26, 2009**.

**July 8, 2009**, Attorney Clark sent an email to Attorney Goins, asking whether he represented Don Allen, and inquiring whether Attorney Clark would speak with him directly. (Clark Aff. **Exh. A**).

On **July 27, 2009**, Attorney Albert Goins, Sr. of Goins Law Offices, Ltd., served and filed a Rule 12.05 motion on behalf of all defendants, instead of answering. (Clark Aff. **Exh. B**).

On **August 20, 2009**, Plaintiff Moore stopped into a restaurant, and Defendant Don Allen told him that Attorney Goins did not represent him in this lawsuit. (Moore Aff. ¶8).

On **September 13 or 14, 2009**, Defendant Don Allen stated that Attorney Goins does not represent him. (Moore Aff. ¶7).

On **September 14, 2009**, Attorney Clark sent an email to Attorney Goins, asking whether he was still representing Don Allen. Plaintiff felt that he never got a responsive answer to this question. (Clark Aff. ¶2).

Attorney Clark attempted several other communications with Attorney Goins, in which she inquired about whether Goins represented Allen, or whether there was a conflict of interest between Defendant John Hoff (Johnny Northside) and Don Allen. *Id.*

On **September 23, 2009**, this Court heard Defendant's Rule 12.05 motion. Attorney Goins appeared for all defendants in this matter. At the hearing, Attorney Goins indicated that the defendants did not have much money to settle the case (not verbatim). After that hearing, Attorney Clark inquired of Attorney Goins whether he had a conflict of interest, but he would not discuss the matter. *Id.*

On **October 11 or 12, 2009**, Plaintiff Moore received word through a community member that Don Allen wanted to testify against Johnny Northside (Defendant John Hoff in this action). (Moore Aff. ¶6).

On **October 22, 2009**, Moore ran into Mr. Allen. Allen told Moore that he will be out of town but that he would like to "bury Johnny Northside...." (Moore Aff. ¶5).

On or about **November 11, 2009**, Mr. Allen told Plaintiff Moore that Attorney Goins does not represent him. (Moore Aff. ¶4).

On **November 1, 2009**, Don Allen sent an email to John Hoff, copy to Attorney Goins, copy to Megan Goodmundson (not a client, and believed to be the girlfriend of John Hoff) with the re line, "WTF Johnny?". **Moore's Attorney Jill Clark was blind-copied on that email, and received it early morning November 1.** A portion of the text of that email follows (emphasis added):

...this a formal request for you and Jeff to Cease and Desist as it pertains to mentioning my name (Don Allen); my Blog (IBNN or the Independent Business News Network) or any companies I work for. It would be considered defamation of character and I will not in the least tolerate it.

Johnny/Jeff - I want you to take this very seriously. If I even get a peep of me or IBNN on JNS I will make sure that a restraining order is file asap.

The reason why I am asking you for this C&D is due to your "endorsement" of political candidates in Minneapolis Municipal elections, **you have proved for Jill Clark and others that you are in fact an agent for these candidates** - which Bloggers should stay clear of if they are reporting news and information. My Blog IBNN has not endorsed any candidate for any postion in Minneapolis. - we have showed options with equal mentions and coverage - even if we didn't like a candidate.

**Furthermore, I will contemplate contacting Jill Clark and asking her to remove me from any and all future cases involving the JNS Blog lawsuit.**

Johnny - I took the advise of Al Goins and did not mention Jerry Moore or anybody else in Jordan. Your blatent disregard for process and advice leave me no choice but to do everything within my power to be removed from this case.

Very best regards,

Donald W.R. Allen,II  
Private Citizen

(Clark Aff. **Exh. D**). When Attorney Clark came into the office that Sunday late morning, she wrote an email to Attorney Goins, a portion of which follows:

Evidence mounts that there is a conflict between Don Allen and Johnny Northside.

Don Allen sent me an email dated 11/1/2009 8:50 a.m., in which Allen specifically addresses the conflict, and his desire to be released from the lawsuit.

Plaintiff is requesting your voluntary withdrawal as counsel. Plaintiff reserves the right to bring a motion to disqualify you/your firm.

Further, Plaintiff *would* like to discuss with Mr. Allen - dismissing him from the lawsuit. It is Plaintiff's position that you have blocked that discussion for some months.

(Clark Aff. **Exh. E**). That email further asked that Attorney Goins voluntarily withdraw. Attorney Clark did not receive a response to that email. (Clark Aff. ¶3).

On **November 9, 2009**, Attorney Clark sent the following email to Attorney Goins:

Plaintiff has scheduled a motion to disqualify opposing counsel, for December 1, 2009 at 8:30 a.m.

I am hoping that we can resolve this issue without motion.

As you know, I have tried to raise this issue with you numerous times, but you have refused to discuss it with me.

Even after I received the email from Don Allen, and sent you an email about that (showing a clear conflict), you have not gotten back to me.

Therefore, my client sees no choice but to file a motion.

(Clark Aff. **Exh. F**). In response, Attorney Goins wrote via email dated **November 9, 2009**, "We will respond accordingly."

Plaintiff Moore is concerned about this conflict, that it will keep the deposition of Allen from occurring, keep Plaintiff from being able to identify John Doe Defendants, and keep the matter from settling.

Based on all that I know, it is clear to me that Don Allen wants to testify against Johnny Northside, and to explore being released by me (plaintiff) from this lawsuit, in exchange for providing that information. It is my belief that Mr. Allen also has information about the identities of the John Doe's. This information is important to my lawsuit. I understand that Attorney Goins has represented that the defendants don't have much money to settle this case. But the John Doe's may well have resources to adequately settle it. Further, I have been told, repeatedly, by Don Allen, that Albert Goins does not represent him.

Also, I am hearing very similar things from members of the community...

I am very concerned that Attorney Goins is preventing this from happening. I want to identify the John Doe defendants, and I believe that some of them are associated with Attorney Goins. I am concerned that perhaps Attorneys Goins is protecting the John Does, which seems yet another conflict of interest.

(Moore Aff. ¶3, 10-11).

Although Attorney Clark has expressed the interest of Plaintiff Moore in talking to Don Allen about settlement (including dismissing Allen in exchange for information), Attorney Clark has never contacted Don Allen, either directly or indirectly. All contacts to the Plaintiff team from Allen have been initiated by Allen. (Clark Aff. ¶3).

### **MEET AND CONFER**

To the extent that there is a requirement to meet and confer on this type of motion, Plaintiff counsel did attempt, but could not get any discussion going with opposing counsel. (See above). Regretfully, Plaintiff brings this motion to disqualify.

### **ARGUMENT**

#### **I. DISQUALIFICATION IS REQUIRED DUE TO CONFLICT OF INTEREST.**

##### **A. Conflict of Interest between Current Clients Prohibited.**

Minnesota Rule of Professional Conduct 1.7 deals with conflicts of interest between current clients. It is quoted here in pertinent part:

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client....

Conflicts can be waived, but the test is objective, the lawyer must "reasonably" believe that he can provide competent and diligent representation to each affected client.

Minn.R.Prof.Conduct 1.7(b). In other words, some conflicts are not waivable.

Ordinarily, clients may consent to representation notwithstanding a conflict. However, as indicated in paragraph (b), some conflicts are nonconsentable, meaning that the lawyer involved cannot properly ask for such agreement or provide representation on the basis of the client's consent. When the lawyer is representing more than one client, the question of consentability must be resolved as to each client.



Consentability is typically determined by considering whether the interests of the clients will be adequately protected if the clients are permitted to give their informed consent to representation burdened by a conflict of interest. Thus, under paragraph (b)(1), representation is prohibited if under the circumstances the lawyer cannot reasonably conclude that the lawyer will be able to provide competent and diligent representation.

Comment to Rule 1.7.

The Comment to Rule 1.7 states that loyalty and independent judgment are essential elements in the lawyer's relationship to a client. The Comment continues:

If a conflict arises after representation has been undertaken, the lawyer ordinarily must withdraw from the representation, unless the lawyer has obtained the informed consent of the client under the conditions of paragraph (b).

And it continues:

Even where there is no direct adverseness, a conflict of interest exists if there is a significant risk that a lawyer's ability to consider, recommend or carry out an appropriate course of action for the client will be materially limited as a result of the lawyer's other responsibilities or interests. For example, a lawyer asked to represent several individuals seeking to form a joint venture is likely to be materially limited in the lawyer's ability to recommend or advocate all possible positions that each might take because of the lawyer's duty of loyalty to the others. The conflict in effect forecloses alternatives that would otherwise be available to the client. The mere possibility of subsequent harm does not itself require disclosure and consent. The critical questions are the likelihood that a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.

Conflicts are imputed to the entire law firm. Minn. R. Prof. Conduct 1.10(a). In criminal cases, joint representation may limit the ability of one of the clients to obtain a favorable plea agreement. U.S. v. Albany, 621 F.Supp.2d 561, 569, n.6 (E.D. Tenn. 2008).

**B. District Court has Discretion to Decide the Issue.**

Generally, resolving conflict of interest is primarily the responsibility of the lawyers undertaking the representation. However, in the interests of justice, opposing counsel may

raise the issue. Buyse v. Baumann-Furrie & Co., 428 N.W.2d 419 (Minn. Ct. App. 1988) (reversed on other grounds).

This Court has discretion to disqualify counsel for defendants. Buyse v. Baumann-Furrie & Co., 448 N.W.2d 865, 868-69 (Minn. 1989). Disqualification can be imposed where an actual conflict of interest is present, or, within the direction of the court, a potential conflict of interest exists. Century Indem. Vo. v. Congoleum Corp., 426 F.3d 675 (3d Cir. 2005).

Because of the potential for abuse, disqualification motions should be subjected to strict judicial scrutiny. Snap Prods., 183 F.R.D. at 541 (citing Chambers v. NASCO, Inc., 501 U.S. 32, 44-45 (1991)). In deciding whether to disqualify an attorney, the court balances the interests of the attorneys, clients and the public. Marvin Lumber & Cedar Co. v. Norton Co., 113 F.R.D. 588, 592 (D. Minn. 1986). "Because the interests to be protected are critical to the judicial system, the court should resolve doubts in favor of disqualification." Biocore Med. Techs., Inc. v. Khosrowshahi, 181 F.R.D. 660, 664 (D. Kan. 1998).

**C. There is an Actual Conflict in this Case.**

This case is quite like the conflict that arises between 2 criminal defendants. The joint representation might impair the ability of one defendant to get a good plea agreement. Here, there is significant evidence that Don Allen wants to testify against Johnny Northside (and perhaps the John Does), in exchange for being release from the lawsuit.

The November 1, 2009 email from Don Allen, sent to Attorney Clark, made clear Allen's animosity for Hoff, as well as his desire to testify against him in order to be dismissed from the case. Plaintiff wants to discuss that possibility with Allen. However, Attorney Goins has not facilitated that discussion, and it appears that he won't.

There is a concurrent conflict of interest, because the representation of Hoff adversely affects the representation of Allen. If Allen had his own counsel, likely the discussions would already be underway to dismiss Allen.

If a waiver exists, it should not be honored. This is a situation where either the conflict matured after the waiver, or the waiver is not objectively reasonable. Preventing Allen from testifying against Hoff would benefit Hoff, but not Allen. There seems no way to waive such a conflict.

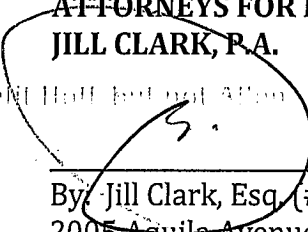
The situation here is compounded by the fact that Allen continues to tell Plaintiff that he is not represented by Attorney Goins. Similar to a criminal case, the Court may wish to inquire of Don Allen as to whether he is represented by Attorney Goins, and whether he is knowingly and intelligently waiving any conflict of interest.

**CONCLUSION**

Under these facts, defense counsel should be disqualified.

Dated: November 17, 2009

**ATTORNEYS FOR PLAINTIFF  
JILL CLARK, P.A.**

By:  Jill Clark, Esq. (#196988)  
2005 Aquila Avenue North  
Minneapolis, MN 55427  
(763) 417-9102

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

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Jerry L. Moore,

Civil No. 27-CV-09-17778

Plaintiff,

v.

**AFFIDAVIT OF JILL CLARK RE  
NOTICE OF MOTION & MOTION  
TO DISQUALIFY COUNSEL**

Donald W.R. Allen, individual and as  
Principal of V-Media Development  
Corporation, Inc. a Minnesota Non-  
Profit corporation, John Hoff a/k/a  
Johnny Northside, and John Does  
1-5,

Defendants.

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I, Jill Clark, Esq., being first duly sworn, depose and state:

1. I am Plaintiff counsel in this action.

2. On **September 14, 2009**, I sent an email to Attorney Goins, asking whether he was still representing Don Allen. I never really got a responsive answer to this question, even though I asked it many different times, in different ways (sometimes in person, sometime via email), and in many different ways. I attempted several other communications with Attorney Goins, in which I inquired about whether there was a conflict of interest between Defendant John Hoff (Johnny Northside) and Don Allen. I made it clear that Plaintiff was looking for the identify of the John Doe defendants.

On **September 23, 2009**, this Court heard Defendant's Rule 12.05 motion. Attorney Goins appeared for all defendants in this matter. At the hearing, Attorney Goins indicated that the defendants did not have much money to settle the case (not verbatim). After that hearing, I

inquired of Attorney Goins whether he had a conflict of interest, but he would not discuss the matter. Never has Attorney Goins approached me about discussing dismissal of Defendant Allen, in exchange for information about Hoff (or the John Does).

3. Although I have expressed the interest of Plaintiff Moore in talking to Don Allen about settlement (including dismissing Allen in exchange for information), I have never contacted Don Allen, either directly or indirectly. All contacts to the Plaintiff team from Allen have been initiated by Allen. This is now prejudicing my client, since it is quite apparent to me that Don Allen *wants* to discuss dismissal in exchange for information about other defendants. And yet that discussion never occurs. It has certainly become a concern of Plaintiff team that Attorney Goins has loyalties to Hoff and/or the John Doe Defendants, that cause him not to want to facilitate Allen providing that negative information to Plaintiff. This is the type of situation that can arise in a criminal case, if one defendant wants to "turn" on another one, turn state's evidence in order to get dismissed (or a good plea deal), but loyalty to the other client prevents that from happening. I do not lightly raise this issue, but the conflict of interest prejudices Jerry Moore in litigating his case.

#### **EXHIBITS**

**Exhibit A** is a **July 8, 2009**, email to Attorney Goins, asking whether he represented Don Allen, and inquiring whether Attorney Clark would speak with him directly.

**EXHIBIT B** is a **July 27, 2009** filing of Attorney Albert Goins, Sr. of Goins Law Offices, Ltd., Rule 12.05 motion on behalf of all defendants, instead of answering.

**EXHIBIT C** is intentionally omitted.

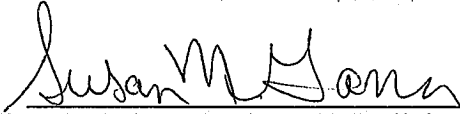
**EXHIBIT D** is a November 1, 2009 email from Defendant Don Allen, blind-copied to Jill Clark.

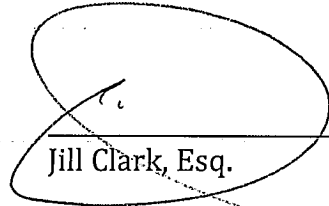
**EXHIBIT E** is a November 1, 2009 email to Attorney Goins re the above 11/1 email.

**EXHIBIT F** is a November 9, 2009 email from Attorney Clark to Attorney Goins.

This concludes my affidavit of 3 pages.

Signed and sworn before me this  
17<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Jill Clark, Esq.



**Jill E. Clark**

---

**From:** Jill E. Clark  
**Sent:** Wednesday, July 08, 2009 7:23 AM  
**To:** 'ALBERT GOINS'  
**Subject:** Request for information re Don Allen

Do you/your firm represent Don Allen? If so, please confirm that representation.

If not, please let me know either that your firm does not represent him (and never did), or, if your firm did represent him for a time, that it no longer does, and that I can speak with him directly.

Tx.

Jill Clark  
Jill Clark, P.A.  
(O) 763 417-9102  
From home computer

Exhibit

A

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Jerry L. Moore,

Court File No. 27-CV-09-17778

Plaintiff,

Judge Denise Reilly

**DEFENDANTS' NOTICE OF  
MOTION AND MOTION  
UNDER RULE 12.05**

vs.

Donald W.R. Allen, individual  
and as Principal of V-Media Development  
Corporation, Inc., a Minnesota Non-Profit corporation,  
John Hoff a/ka/ Johnny Northside, and John Does 1-5,

Defendants.

TO: The Court, The Honorable Denise Reilly, C-655 Government Center, 300 South Sixth Street, Minneapolis, MN 55487; and to Plaintiff, Jerry Moore and his attorney, Jill Clark, 2005 Aquila Avenue North, Minneapolis, MN 55427.

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that Defendants, Donald W.R. Allen, V-Media Development Corporation, Inc., and John Hoff (a/k/a Johnny Northside), by their undersigned counsel will bring on for hearing on September 1, 2009, 2009 at 8:30 A.M., before the Honorable Denise Reilly, Judge of Hennepin County District Court in Courtroom 655, Hennepin County Government Center, 300 South Sixth Street, Minneapolis, MN 55487, or at such other place to be designated as the Court may order, their joint motion under Minnesota Rules of Civil Procedure 12.05, seeking an order for separate paragraphing of the Amended Complaint dated July 3, 2009 and for a more definite statement of the purported claims.



MOTION

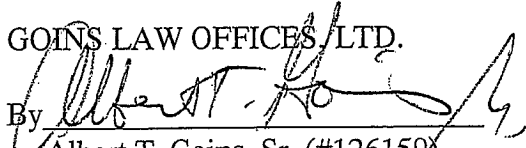
Defendants Donald W.R. Allen, V-Media Development Corporation, Inc., and John Hoff (a/k/a Johnny Northside), by their undersigned counsel, hereby move the Court pursuant to Minnesota Rule of Civil Procedure 12.05, that because Plaintiff's complaint and amended complaint is so vague and ambiguous, Defendants should not reasonably be required to prepare a responsive pleading. Furthermore, that Plaintiff be ordered to furnish a more definite statement of the nature of his claim as set forth in his complaint in the following respects as set forth in the accompanying memorandum of law:

1. For separately numbered paragraphing;
2. For uniquely numbered paragraphing;
3. For sequentially-numbered paragraphing;
4. That all paragraphs be numbered; and,
5. That each paragraph set forth only a single pleading factual or legal allegation which specifically identifies the claims as to each specifically identified defendant plainly.
6. Alternatively, that Plaintiff's pleadings be stricken if not reformed as ordered.

This motion is based upon the record, and the Memorandum of Law, any affidavits and Proposed Order served and filed with this motion.

Dated: <sup>27</sup>26 July 2009

GOINS LAW OFFICES, LTD.

By   
Albert T. Goins, Sr. (#126159)

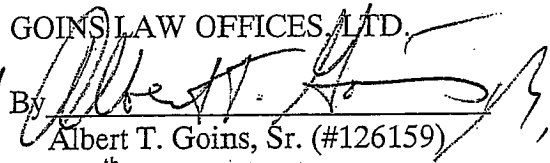
301 - 4<sup>th</sup> Avenue South  
378 Grain Exchange Building  
Minneapolis, MN 55487  
Telephone: (612) 339-3853  
Facsimile: (612) 339-3853

**ATTORNEY FOR  
DEFENDANTS DONALD W.R.  
ALLEN, V-MEDIA  
DEVELOPMENT, INC. and  
JOHN HOFF.**

**ACKNOWLEDGMENT**

Undersigned counsel acknowledges the provisions of Minnesota Statutes Section 549.211 as to attorneys fees and costs.

GOINS LAW OFFICES, LTD.

7/27/2009 By   
Albert T. Goins, Sr. (#126159)

301 - 4<sup>th</sup> Avenue South  
378 Grain Exchange Building  
Minneapolis, MN 55487  
Telephone: (612) 339-3853  
Facsimile: (612) 339-3853

**ATTORNEY FOR  
DEFENDANTS DONALD W.R.  
ALLEN, V-MEDIA  
DEVELOPMENT, INC. and  
JOHN HOFF.**

Jill E. Clark

---

**From:** Donald W.R. Allen, II [donny@donny-allen.com]  
**Sent:** Sunday, November 01, 2009 8:50 AM  
**To:** Johnny Hoff/ "JN"  
**Cc:** ALBERT GOINS; Megan Goodmundson  
**Subject:** WTF Johnny?

**Importance:** High

Johnny,

What does this mean?:

*"Samuels has won the endorsement of Congressman Keith Ellison as well as the Star Tribune. Not only does this blog ENDORSE Don Samuels, but I predict a VICTORY MARGIN of 20 percent or more, which will earn me A MEAL AT THE MONTE CARLO COURTESY OF DON ALLEN. I will be eating there in style, just like disgraced former JACC executive director Jerry Moore back when he had access to JACC's checkbook."*

Other than our bet regarding the 5th Ward, I don't see why my name has to be mentioned in the same sentence with Moore's.

Secondly - this a formal request for you and Jeff to Cease and Desist as it pertains to mentioning my name (Don Allen); my Blog (IBNN or the Independent Business News Network) or any companies I work for. It would be considered defamation of character and I will not in the least tolerate it.

Johnny/Jeff - I want you to take this very seriously. If I even get a peep of me or IBNN on JNS I will make sure that a restraining order is file asap.

The reason why I am asking you for this C&D is due to your "endorsement" of political candidates in Minneapolis Municipal elections, you have proved for Jill Clark and others that you are in fact an agent for these candidates - which Bloggers should stay clear of if they are reporting news and information. My Blog IBNN has not endorsed any candidate for any postion in Minneapolis - we have showed options with equal mentions and coverage - even if we didn't like a candidate.

Furthermore, I will contemplate contacting Jill Clark and asking her to remove me from any and all future cases involving the JNS Blog lawsuit.

Johnny - I took the advise of Al Goins and did not mention Jerry Moore or anybody else in Jordan. Your blatant disregard for process and advice leave me no choice but to do everything within my power to be removed from this case.

Very best regards,

Exhibit D

Donald W.R. Allen,II  
Private Citizen

**Jill E. Clark**

---

**From:** Jill E. Clark  
**Sent:** Sunday, November 01, 2009 12:47 PM  
**To:** 'ALBERT GOINS'  
**Subject:** Conflict of Interest - Moore v. Hoff et al

**Importance:** High

Evidence mounts that there is a conflict between Don Allen and Johnny Northside.

Don Allen sent me an email dated 11/1/2009 8:50 a.m., in which Allen specifically addresses the conflict, and his desire to be released from the lawsuit.

Plaintiff is requesting your voluntary withdrawal as counsel. Plaintiff reserves the right to bring a motion to disqualify you/your firm.

Further, Plaintiff *would* like to discuss with Mr. Allen – dismissing him from the lawsuit. It is Plaintiff's position that you have blocked that discussion for some months.

My client is concerned that you are in actuality representing the interests of some John Doe defendants.

Please respond within 2 days, this information affects any deposition of Don Allen, which we are just about to schedule.

**Jill Clark, Esq.**

**Jill Clark, P.A.**

**Telephone: 763/417-9102**

**Fax: 763/417-9112**

**[jill@jillclarkpa.com](mailto:jill@jillclarkpa.com)**

*This email may contain confidential or privileged communications. If you are not the proper recipient of this email, please destroy it and let us know that you have done so. If you are a client and want to discuss the risks associated with emails, or if you do not wish to have us communicate via email, please let us know.*

Exhibit E

**Jill E. Clark**

---

**From:** Jill E. Clark  
**Sent:** Monday, November 09, 2009 8:52 AM  
**To:** 'ALBERT GOINS'  
**Subject:** Motion to disqualify

Plaintiff has scheduled a motion to disqualify opposing counsel, for December 1, 2009 at 8:30 a.m.

I am hoping that we can resolve this issue without motion.

As you know, I have tried to raise this issue with you numerous times, but you have refused to discuss it with me.

Even after I received the email from Don Allen, and sent you an email about that (showing a clear conflict), you have not gotten back to me.

Therefore, my client sees no choice but to file a motion.

**Jill Clark, Esq.**

**Jill Clark, P.A.**

Telephone: 763/417-9102

Fax: 763/417-9112

**[jill@jillclarkpa.com](mailto:jill@jillclarkpa.com)**

*This email may contain confidential or privileged communications. If you are not the proper recipient of this email, please destroy it and let us know that you have done so. If you are a client and want to discuss the risks associated with emails, or if you do not wish to have us communicate via email, please let us know.*

Exhibit     F

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

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Jerry L. Moore,

Civil No. 27-CV-09-17778

Plaintiff,

v.

**AFFIDAVIT OF JERRY MOORE RE  
NOTICE OF MOTION & MOTION  
TO DISQUALIFY COUNSEL**

Donald W.R. Allen, individual and as  
Principal of V-Media Development  
Corporation, Inc. a Minnesota Non-  
Profit corporation, John Hoff a/k/a  
Johnny Northside, and John Does  
1-5,

Defendants.

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I, Jerry Moore, being first duly sworn depose and state:

1. I am the plaintiff in this case.

2. I have had a number of communications from Don Allen, who is a defendant in this case (his business is also a defendant). I have not solicited the information, but Mr. Allen has approached me.

3. Based on all that I know, it is clear to me that Don Allen wants to testify against Johnny Northside, and to explore being released by me (plaintiff) from this lawsuit, in exchange for providing that information. It is my belief that Mr. Allen also has information about the identities of the John Doe's. This information is important to my lawsuit. I understand that Attorney Goins has represented that the defendants don't have much money to settle this case. But the John Doe's may well have resources to adequately settle it. Further, I have been told, repeatedly, by Don Allen, that Albert Goins does not represent him. This is a summary, but the details are below.

4. On or about November 11, 2009, Mr. Allen told me that Attorney Goins does not represent him.

5. On October 22, 2009, I ran into Mr. Allen. He told me that he will be out of town but that he would like to "bury Johnny Northside...."

6. On October 11 or 12, 2009, I received word through a community member that Don Allen wanted to testify against Johnny Northside in this case.

7. On September 13 or 14, 2009, Don Allen told me that he was not represented by Attorney Goins.

8. On August 20, 2009, I stopped in at a restaurant and Don Allen happened to be there. He told me that Attorney Goins does not represent him in this lawsuit.

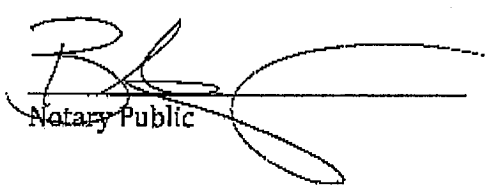
9. Of course, I am also aware of the email that Don Allen sent to my attorney on Sunday, November, 2009.


10. Also, I am hearing very similar things from members of the community, that Don Allen is approaching them, stating that he wants to settle with me, resolve our issues in exchange for providing information against his co-defendant Johnny Northside.

11. I am very concerned that Attorney Goins is preventing this from happening. I want to identify the John Doe defendants, and I believe that some of them are associated with Attorney Goins. I am concerned that perhaps Attorneys Goins is protecting the John Does, which seems yet another conflict of interest.

This concludes my affidavit of 2 pages.

Signed and sworn before me this  
17<sup>th</sup> day of November, 2009.

  
Notary Public

  
Jerry M. Moore

