

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

DUSTIN ROLAND, Plaintiff, v. KATIE BYRD, Defendant.	CASE NO. CVCV071818 PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION REGARDING COURT'S ORDER ON TEMPORARY INJUNCTION
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1. As noted in the Petition for Temporary Injunction, “[A] party requesting injunctive relief must establish “(1) an invasion or threatened invasion of a right, (2) substantial injury or damages will result unless an injunction is granted, and (3) no adequate legal remedy is available.” [*Skow v. Goforth*, 618 N.W.2d 275, 278 \(Iowa 2000\)](#). In deciding whether an injunction should be issued, the court must weigh the relative hardships on the parties by the grant or denial of injunctive relief.” *Opat v. Ludeking*, 666 N.W.2d 597, 603-604 (Iowa 2003)
2. The Plaintiff established the invasion of a right, the substantial injury resulting from this invasion, and the fact that no legal remedy was available, with an affidavit and accompanying documents attached to that Petition.
3. Complaints were made against Roland to the Des Moines and Ankeny School Districts.
4. These were investigated by those school districts and found to be baseless.
5. Both the Des Moines and the Ankeny school districts determined the complaints to be without basis.
6. Byrd has no connection to any of these students, to either of these school districts, or to Roland. The Plaintiff has never met the Defendant.
7. The Defendant has engaged in a months-long campaign of harassment and stalking towards the Plaintiff including posting his physical location, encouraging physical

violence towards him, contacting Plaintiff's employer to protest his employment, encouraging others to contact his employer to protest his employment, accusing him of various criminal activities and inappropriate behavior, online, in physical postings and to the general public, and in encouraging him to commit suicide.

8. Byrd's position is that an unsubstantiated accusation, made by someone she doesn't know against someone she doesn't know, provides her immunity from the laws of harassment and stalking. She does not cite any case law or authority for this position.
9. The Defendant's various motions filed in response to the Petition do not address any of the legal aspects of an injunction, nor do they contest the allegations made in the Petition.
10. Byrd continues to maintain web content regarding Roland. She discussed Roland on various media sites following service upon her of the Court's Order for Temporary Injunction. The Plaintiff will be filing an Application for Byrd to Show Cause as to why she should not be held in contempt of Court for her violations of this Court's earlier ruling.
11. Per *Opat*, supra, Plaintiff has the legal right to be free of this invasion of his rights, the continuing actions of Byrd are the source of continuing and substantial injury to him, and there are no adequate legal remedies available to him.
12. Per *Opat*, Roland's right to be free of illegal harassment and stalking clearly outweighs any alleged "right" that Byrd claims she has to harass and stalk strangers.
13. There is no basis, legal or factual, in support of Byrd's various Motions filed in Response to the Court's Order Granting Temporary Injunction.
14. Now that the Defendant has been served and has filed a response, the Plaintiff requests that the Court schedule a hearing date for a Permanent Injunction.

WHEREFORE the Plaintiff Requests that the Court DENY the Motions filed by the Defendant in Response to the Court's Order Granting Temporary Injunction, and that the Court schedule a hearing date to make this Order permanent.

MUNRO LAW OFFICE, P.C.

By: /s/Kenneth R. Munro

Kenneth R. Munro

James T. Munro

4844 Urbandale Avenue

Des Moines, IA 50310

Phone: (515) 279-0443

Fax: (515) 279-0445

Email: ken.munro@munrolawoffice.com

james.munro@munrolawoffice.com

ATTORNEYS FOR PLAINTIFF

Copy to:

Katie Byrd

kathryninacardigan@gmail.com