



## AlaFile E-Notice

01-CV-2015-900190.00

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W NEWSOME ET AL V. CLARK ANDREW COOPER ET AL  
01-CV-2015-900190.00

The following complaint was FILED on 1/14/2015 4:54:52 PM

Notice Date: 1/14/2015 4:54:52 PM

ANNE-MARIE ADAMS  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
716 N. RICHARD ARRINGTON BLVD.  
BIRMINGHAM, AL 35203

205-325-5355  
anne-marie.adams@alacourt.gov

**COVER SHEET  
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:  
**01-CV-201**

Date of Filing:  
01/14/2015



ELECTRONICALLY FILED  
1/14/2015 4:54 PM  
01-CV-2015-900190.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

**GENERAL INFORMATION**

**IN THE CIRCUIT OF JEFFERSON COUNTY, ALABAMA  
BURT W NEWSOME ET AL v. CLARK ANDREW COOPER ET AL**

**First Plaintiff:**  Business  Individual  
 Government  Other

**First Defendant:**  Business  Individual  
 Government  Other

**NATURE OF SUIT:**

**TORTS: PERSONAL INJURY**

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonnes
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: \_\_\_\_\_

**OTHER CIVIL FILINGS (cont'd)**

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture  
Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP-Contempt of Court
- CONT-Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND- Equity Non-Damages Actions/Declaratory  
Judgment/Injunction Election Contest/Quiet Title/Sale For  
Division
- CVUD-Eviction Appeal/Unlawful Detainer
- FORJ-Foreign Judgment
- FORF-Fruits of Crime Forfeiture
- MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB-Protection From Abuse
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

**TORTS: PERSONAL INJURY**

- TOPE - Personal Property
- TORE - Real Property

**OTHER CIVIL FILINGS**

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

**ORIGIN:** F  **INITIAL FILING**

A  **APPEAL FROM  
DISTRICT COURT**

O  **OTHER**

R  **REMANDED**

T  **TRANSFERRED FROM  
OTHER CIRCUIT COURT**

**HAS JURY TRIAL BEEN DEMANDED?**  Yes  No

**RELIEF REQUESTED:**  **MONETARY AWARD REQUESTED**  **NO MONETARY AWARD REQUESTED**

**ATTORNEY CODE:** LUS005 1/14/2015 4:54:01 PM /s/ ROBERT ENTREKIN LUSK JR

**MEDIATION REQUESTED:**  Yes  No  **Undecided**



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W. NEWSOME; and )  
NEWSOME LAW, LLC, )  
Plaintiffs, )

v. )

CASE NO.: CV-2014-\_\_\_\_\_

CLARK ANDREW COOPER; )  
BALCH & BINGHAM, LLP; )  
JOHN W. BULLOCK, JR.; )  
CLAIBORNE PORTER SEIER; )  
Fictitious Defendants 1-4 being the true )  
and correct names of the named Defendants; )  
Fictitious Defendants 5-15 being those )  
individuals and/or entities who conspired )  
with any of the named Defendants in the )  
commission of the wrongs alleged herein )  
and whose true and correct identities are )  
currently unknown but will be substituted )  
upon discovery; Fictitious Defendants )  
16-26 being those individuals and/or )  
entities who participated in or otherwise )  
committed any of the wrongs alleged )  
herein and whose true and correct )  
identities are currently unknown but will )  
be substituted upon discovery; )  
Defendants. )

**COMPLAINT**

The Plaintiff’s, Burt W. Newsome and Newsome Law, LLC, as their complaint allege as follows:

**PARTIES**

1. The Plaintiff, Burt W. Newsome, (hereinafter “Newsome”), is an Alabama citizen, resident of Shelby County, Alabama, over the age of 19 years, and is engaged in the private practice of law in the State of Alabama.

2. The Plaintiff, Newsome Law, LLC, (hereinafter “Newsome Law”), is an Alabama limited liability company with its principal place of business in Shelby County, Alabama.

3. The Defendant, Clark Andrew Cooper, (hereinafter “Clark Cooper”) upon information and belief, is an Alabama citizen, a resident of Jefferson County, Alabama, over the age of nineteen years, and engaged in the private practice of law as a partner in Balch & Bingham, LLP.

4. The Defendant, Balch & Bingham, LLC, (hereinafter “Balch”) is an Alabama Registered Limited Liability Partnership, with its principal place of business in Jefferson County, Alabama.

5. The Defendant, John W. Bullock, Jr., (hereinafter “Bullock”), upon information and belief, is an Alabama citizen, a resident of St. Clair County, Alabama, and over the age of nineteen years.

6. The Defendant, Claiborne Porter Seier, (hereinafter “Claiborne Seier”), upon information and belief, is an Alabama citizen, a resident of Jefferson County, Alabama, and over the age of nineteen years.

7. Fictitious Defendants 1-4 are the true and correct names of the above-named Defendants and whose true and correct names are otherwise unknown and will be substituted upon discovery.

8. Fictitious Defendants 5-15 are those individuals and/or entities who conspired with any of the named Defendants in the commission of the wrongs alleged herein and whose true and correct identities are currently unknown but will be substituted upon discovery.

9. Fictitious Defendants 16-26 are those individuals and/or entities who participated in or otherwise committed any of the wrongs alleged herein and whose true and correct identities are currently unknown but will be substituted upon discovery.

## FACTS

10. Beginning on or about June 9, 2010, in Aliant Bank v. Sharyn K. Lawson, 01-CV-2010-902033, Circuit Court of Jefferson County, Newsome represented Aliant Bank against Sharyn K. Lawson for breach of contract involving a note evidencing indebtedness to Aliant Bank.

11. On or about October 5, 2010, Newsome obtained a judgment in favor of Aliant Bank against Sharyn K. Lawson in the amount of \$189,930.08 more or less.

12. In and around December 2011 and January 2012, Newsome was attempting to depose Sharyn K. Lawson in an effort to discover post-judgment assets.

13. Upon information and belief, Sharyn K. Lawson was the wife of Alfred Wallace Seier (hereinafter "Alfred Seier").

14. On or about January 30, 2012, Alfred Seier went to the offices of Newsome Law in Shelby County, Alabama.

15. Alfred Seier waited in his vehicle outside the offices of Newsome Law for Newsome to exit the building.

16. When Newsome exited the building and approached his vehicle, Alfred Seier, whose vehicle was parked adjacent to Newsome's vehicle, exited his vehicle, walked towards Newsome, blocking Newsome from his vehicle, pointed a gun at Newsome and told him he would never "fuck" with his wife again.

17. Newsome was unarmed.

18. Newsome was in fear for his life and ran away to the back of the building.

19. Newsome entered the offices of Newsome Law through the back door, called law enforcement and stayed until they arrived.

20. On or about February 2, 2012, Newsome filed a criminal complaint against Alfred Seier for the offense of menacing, a violation of Ala. Code §13A-6-23 (1975, as amended).

21. Upon information and belief, Claiborne Seier was the brother of Alfred Seier.

22. Upon information and belief, Claiborne Seier is a lawyer engaged in the private practice of law in Jefferson County, Alabama.

23. After Alfred Seier was arrested on the criminal charges filed by Newsome, Claiborne Seier contacted Newsome and requested Newsome to drop the criminal charges.

24. During at least one conversation with Claiborne Seier, Newsome told Claiborne Seier that he [Newsome] carried a handgun, but was not carrying his handgun that day or Alfred Seier could have been shot.

25. Claiborne Seier told Newsome that Alfred Seier had a terminal illness and was not expected to live in an attempt to convince Newsome to drop the criminal charges.

26. Claiborne Seier called Newsome on at least two more occasions trying to pressure Newsome into dropping the charges.

27. Newsome refused to drop the criminal charges against Alfred Seier.

28. On or about May 8, 2012, in State of Alabama v. Alfred Wallace Seier, 58-DC-2012-000431, in the District Court of Shelby County, Alabama, Alfred Seier was convicted of menacing, a violation of Ala. Code §13A-6-23 (1975, as amended).

29. Alfred Seier was sentenced to a 30-day suspended sentence, placed on two years' probation, ordered to stay away from Newsome, Newsome's residence, and Newsome's place of business, and ordered to pay a fine of \$50.00, plus court costs and other court ordered monies.

30. Upon information and belief, on or about November 18, 2012, Alfred Seier passed away.

31. On or about December 19, 2012, Newsome was scheduled to appear in court for on a personal legal matter for a client.

32. Upon information and belief, Clark Cooper was aware of Newsome's scheduled court appearance on December 19, 2012.

33. Upon information and belief, Clark Cooper had discussed the personal legal matter and scheduled court appearance with Newsome's client.

34. On December 19, 2012, prior to Newsome's scheduled court appearance, Bullock parked outside the offices of Newsome Law in Shelby County, Alabama.

35. Upon information and belief, Bullock waited in his vehicle outside the offices of Newsome Law for Newsome to exit the building.

36. When Newsome exited the building and approached his vehicle, Bullock, whose vehicle was parked adjacent to Newsome's vehicle, exited his vehicle, blocking Newsome from his vehicle.

37. Bullock's conduct was substantially identical to the conduct of Alfred Seier during the incident that occurred on January 30, 2012.

38. Because of the previous incident involving Alfred Seier, Newsome was armed with his handgun.

39. Because of the substantial similarities with the Alfred Seier incident, Newsome produced his handgun and directed Bullock to move out of his way and to get back in his vehicle.

40. Bullock complied.

41. Newsome got into his vehicle without further incident and left for court.

42. Upon information and belief this incident was staged and contrived to set-up Newsome for possible criminal charges under circumstances substantially similar to those that resulted in Newsome's criminal charges against Alfred Seier.

43. On or about January 14, 2013, almost a month after the incident, Bullock filed a criminal complaint against Newsome for the offense of menacing, a violation of Ala. Code §13A-6-23 (1975, as amended).

44. On or about May 2, 2013, Newsome was stopped for a minor traffic violation.

45. During the stop, Newsome was arrested on the menacing warrant resulting from Bullock's criminal complaint.

46. During the foregoing events and particularly at the time of his arrest, Newsome had a lawyer-client relationship, professional business relationship, and a contractual relationship with Iberiabank Corp.

47. During the foregoing events and particularly at the time of his arrest, Newsome had a lawyer-client relationship, professional business relationship, and a contractual relationship with Renasant Bank.

48. During the foregoing events and particularly at the time of his arrest, Newsome had a lawyer-client relationship, professional business relationship, and a contractual relationship with Bryant Bank.

49. Upon information and belief, Clark Cooper was aware of Newsome's ongoing lawyer-client relationship, professional business relationship, representation of and contractual relationship with Iberiabank Corp, Renasant Bank, and Bryant Bank.

50. Upon information and belief, shortly after Newsome's arrest, Clark Cooper sent emails and/or other communications to officers and bank officials with Iberiabank Corp,



Renasant Bank, and Bryant Bank containing a copy of Newsome's mug shot, asking if they had seen Newsome's mug shot, and questioning the effect of Newsome's arrest on his license to practice law and intentionally casting Newsome and Newsome Law in a bad light.

51. Newsome was not convicted on the criminal charges, which were dismissed with prejudice on or about April 1, 2014.

52. Upon information and belief, shortly after Newsome's arrest, Clark Cooper improperly sent other emails and/or communications to officers and bank officials referencing specific cases in which Newsome was appearing as counsel for the bank and requesting work from Newsome's client knowing that the client was represented by Newsome in the matter.

## **COUNT I**

### **MALICIOUS PROSECUTION**

53. Plaintiffs re-allege the material allegations of paragraphs 1-52 as if fully set forth herein.

54. Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1-4, and/or Fictitious Defendants 16-26, set-up and entrapped Plaintiff, Newsome, into engaging in the conduct occurring on or about December 19, 2012.

55. Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1-4, and/or Fictitious Defendants 16-26 instituted a prior judicial proceeding without probable cause and with malice, said judicial proceeding ended in favor of Plaintiff, Newsome, and as a proximate consequence of the Defendants' conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT II**  
**ABUSE OF PROCESS**

56. Plaintiffs re-allege the material allegations of paragraphs 1-55 as if fully set forth herein.

57. Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 wrongfully used the judicial process and in so doing acted with malice and were motivated by an ulterior improper purpose or proper purpose accomplished through improper and/or wrongful conduct, and as a proximate consequence of the Defendants’ conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT III**  
**FALSE IMPRISONMENT**

58. Plaintiffs re-allege the material allegations of paragraphs 1-57 as if fully set forth herein.

59. Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 acted in bad faith without probable cause to believe Plaintiff, Newsome, had engaged in any criminal conduct, which resulted in Plaintiff Newsome’s unlawful detention wherein Plaintiff Newsome was wrongfully and unlawfully deprived of his personal liberty, and as a proximate consequence of the Defendants’ conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT IV**  
**OUTRAGE/INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

60. Plaintiffs re-allege the material allegations of paragraphs 1-59 as if fully set forth herein.

61. By doing the foregoing, Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 intentionally engaged in conduct that was so outrageous, so extreme in degree as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized society, and as a proximate consequence of the Defendants’ conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT V**  
**CONSPIRACY**

62. Plaintiffs re-allege the material allegations of paragraphs 1-61 as if fully set forth herein.

63. Fictitious Defendants 5-15 conspired with each other and/or with Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 to achieve an unlawful purpose or a lawful purpose by unlawful means to engage in malicious prosecution and/or abuse or process and/or false imprisonment and/or outrage and/or intentional infliction of emotional distress, and as a proximate consequence of the Defendants’ conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants John Bullock and/or Claiborne Seier and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT VI**  
**INTENTIONAL INTERFERENCE WITH A BUSINESS OR CONTRACTUAL**  
**RELATIONSHIP**

64. Plaintiffs re-allege the material allegations of paragraphs 1-52 as if fully set forth herein.

65. Plaintiffs had a valid and existing business and contractual relationship with Iberiabank Corp.

66. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 knew of the Plaintiffs' valid and existing business and contractual relationship with Iberiabank Corp.

67. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 were strangers to the business and contractual relationship between the Plaintiffs and Iberiabank Corp.

68. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 separately and/or severally and/or collectively, intentionally and wrongfully interfered with the said business and contractual relations.

69. As approximate result of the Defendants' conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, loss of future business, loss of business opportunity, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT VII**  
**INTENTIONAL INTERFERENCE WITH A BUSINESS OR CONTRACTUAL**  
**RELATIONSHIP**

70. Plaintiffs re-allege the material allegations of paragraphs 1-52 as if fully set forth herein.

71. Plaintiffs had a valid and existing business and contractual relationship with Renasant Bank.

72. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 knew of the Plaintiffs' valid and existing business and contractual relationship with Renasant Bank.

73. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 were strangers to the business and contractual relationship between the Plaintiffs and Renasant Bank.

74. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 separately and/or collectively intentionally and wrongfully interfered with the said business and contractual relations.

75. As approximate result of the Defendants' conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, loss of future business, loss of business opportunity, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT VIII**  
**INTENTIONAL INTERFERENCE WITH A BUSINESS OR CONTRACTUAL**  
**RELATIONSHIP**

76. Plaintiffs re-allege the material allegations of paragraphs 1-52 as if fully set forth herein.

77. Plaintiffs had a valid and existing business and contractual relationship with Bryant Bank.

78. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 knew of the Plaintiffs' valid and existing business and contractual relationship with Bryant Bank.

79. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 were strangers to the business and contractual relationship between the Plaintiffs and Bryant Bank.

80. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 separately and/or collectively intentionally and wrongfully interfered with the said business and contractual relations.

81. As approximate result of the Defendants' conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, loss of future business, loss of business opportunity, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT IX**  
**DEFAMATION**

82. Plaintiffs re-allege the material allegations of paragraphs 1-52 as if fully set forth herein.

83. By engaging in the above conduct, Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 separately or severally made a false and defamatory statement concerning the Plaintiff.

84. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 separately and/or severally made an unprivileged communication of that false and defamatory statement to a third party.

85. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 separately and/or severally made the false and defamatory statements knowing they were false and defamatory at the time they were made or made them negligently without regard to their truth or falsity in an improper attempt to cast the Plaintiff in a bad light.

86. As approximate result of the Defendants' conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, loss of future business, loss of business opportunity, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT X**  
**CONSPIRACY**

87. Plaintiffs re-allege the material allegations of paragraphs 1-52, 65-69, 71-75, 77-81, and 83-86 as if fully set forth herein.

88. Fictitious Defendants 5-15 conspired with each other and/or with Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 to intentionally



interfere with a business or contractual relation and/or engage in defamation and as a proximate consequence of the Defendants' conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, loss of future business, loss of business opportunity, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants Clark Cooper and/or Fictitious Defendants 1–4 and/or Fictitious Defendants 5-15 and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

**COUNT XI**  
**VICARIOUS LIABILITY/RESPONDEAT SUPERIOR**

89. Plaintiffs re-allege the material allegations of paragraphs 1-52, 65-69, 71-75, 77-81, and 83-86 as if fully set forth herein.

90. While engaging in the above conduct, Defendant Clark Cooper and/or Fictitious Defendants 1–4 and/or Fictitious Defendants 5-15 and/or Fictitious Defendants 16-26 separately or severally were acting in the line, course and scope of their authority and capacity as a partner and/or employee and/or agent of Defendant Balch and/or Fictitious Defendants 1-4 and, therefore, Defendant Balch and/or Fictitious Defendants 1-4 are vicariously liable for the acts committed and complained of herein.

91. As approximate result of the Defendants' conduct Plaintiffs have suffered damages to their character, good name, reputation, good will, loss of business, loss of business income, loss of future business, loss of business opportunity, emotional distress and mental anguish, and have otherwise been injured and damaged.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants Clark Cooper and/or Balch and/or Fictitious Defendants 1–4 and/or Fictitious Defendants 5-15 and/or Fictitious Defendants 16-26 for compensatory and punitive damages in excess of the minimum jurisdictional limits of this Court and costs.

/s/Robert E. Lusk, Jr  
ROBERT E. LUSK, JR. (LUS005)  
Attorney for the Plaintiffs BURT W. NEWSOME  
and NEWSOME LAW, LLC.

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**PLAINTIFFS DEMAND A JURY ON ALL ISSUES SO TRIABLE.**

To Clerk of the Court:

Plaintiffs request service of the Summons and Complaint upon each Defendant by United States certified mail, restricted delivery, return receipt requested, pursuant to A.R.Civ.P., Rule 4.1(c).

/s/Robert E. Lusk, Jr  
ROBERT E. LUSK, JR. (LUS005)  
Attorney for the Plaintiffs BURT W. NEWSOME  
and NEWSOME LAW, LLC.

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