



ELECTRONICALLY FILED
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01-CV-2015-900190.00
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

EXHIBIT 12 TO THE AFFIDAVIT OF VERONICA ROOT:

AFFIDAVIT OF BRIAN HAMILTON

STATE OF ALABAMA
COUNTY OF SHELBY

AFFIDAVIT OF BRIAN HAMILTON

Before the undersigned Notary Public for the State of Alabama at Large personally appeared Brian Hamilton, who being known to me and first duly sworn, deposes and says on oath as follows:

1. My name is Brian Hamilton, and I am a Vice President at IBERIABANK. I have personal knowledge of the facts stated herein.

2. I have received emails from Clark Cooper requesting legal work specifically referencing cases filed on behalf of the Bank by attorney Burt Newsome (or "Burt") and referencing the matter and Burt Newsome by name.

3. **Exhibit A** attached hereto is true and correct copy of an email that I received from Clark Cooper on January 30, 2013, concerning a case being handled by Burt Newsome, and **exhibit B** attached hereto is a true and correct copy of an email I received from Clark Cooper on November 7, 2014, concerning another case being handled by Burt Newsome.

4. On Saturday, May 4, 2013, I received two emails from Clark Cooper advising me that Burt Newsome was arrested for menacing, detailing what the crime of menacing is, implying that it would affect his ability to practice law, along with a photo of his mug shot. **Exhibit C** attached hereto is a true and correct copy of the emails.

5 After receiving the emails from Clark Cooper on May 4, 2013, I did not send Burt any legal work until after we met approximately three weeks later, and he advised us that the pending charges had not impacted his ability to practice law.

6. There are some files in which the Bank paid legal fees to other lawyers that I would have referred to Burt during this time but for the concerns regarding the status of his law license based on the implications in the emails.

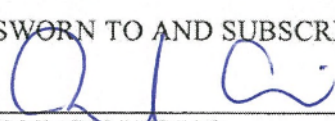
7. I have since learned that the case against Burt was dismissed and that the Shelby County Circuit Court ordered the criminal charges expunged from his record. See attached **exhibit D**.

8. All of the above statements are true and correct and stated as facts.



Brian Hamilton

SWORN TO AND SUBSCRIBED before me on this the 7th day of March 2016.



NOTARY PUBLIC,
STATE OF ALABAMA AT LARGE

MY COMMISSION EXPIRES: 10/4/16

(SEAL)

From: Cooper, Clark [mailto:ccooper@balch.com]
Sent: Wednesday, January 30, 2013 4:19 PM
To: Hamilton, Brian
Subject: Iberla

Brian,

I see that Bert Newsome has filed a claim for Iberla against Print One. Is there anything you recommend I do to assist me in obtaining more files from Iberla?

Thanks and no word from Benton yet

Clark



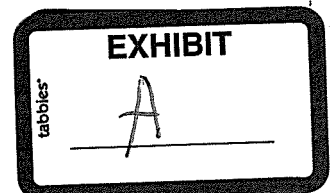
Clark A. Cooper, Partner, Balch & Bingham LLP
1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642
t: (205) 226-8762 f: (205) 488-5765 e: ccooper@balch.com
www.balch.com

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Thank You.

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Thank You.



Cooper, Clark

From: Cooper, Clark
Sent: Friday, November 07, 2014 8:54 AM
To: Brian Hamilton (Brian.Hamilton@iberiabank.com)
Subject: Case filed by Iberia in Jefferson County

Hello Brian,

I noticed that the below case was recently filed by Iberia in Jefferson County. If you think I should reach out to anyone else in your department to build a relationship, please let me know. They may be happy with counsel they are using for smaller deals.

Thanks

Clark

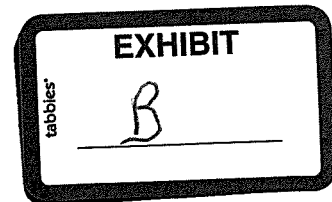
IberiaBank
v.
John C. Wicker; The Wicker
Agency Inc.
11/6/2014 01-CV-14-904617
(Birmingham)

Contract. Defendants owe plaintiff more than \$100,000 Burt Newsome
for default on a loan.

BALCH
BALCH & BINGHAM LLP

Clark A. Cooper, Partner, Balch & Bingham LLP
1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642
t: (205) 226-8762 f: (205) 488-5765 e: ccooper@balch.com
www.balch.com

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Cooper, Clark

From: Cooper, Clark
Sent: Saturday, May 04, 2013 5:40 PM
To: Hamilton, Brian
Subject: Re: Burt Newsome arrested for menacing

Agreed. I'm going to see what I can find out.

On May 4, 2013, at 5:37 PM, "Hamilton, Brian" <Brian.Hamilton@iberiabank.com> wrote:

Great mugshot. With the suit on, I bet he was in court or something. My guess is he threatened to kick someone's a\$\$.

Sent with Good (www.good.com)

-----Original Message-----

From: Cooper, Clark [ccooper@balch.com]
Sent: Saturday, May 04, 2013 04:35 PM Central Standard Time
To: Hamilton, Brian
Subject: Re: Burt Newsome arrested for menacing

Section 13A-6-23 - Menacing.

(a) A person commits the crime of menacing if, by physical action, he intentionally places or attempts to place another person in fear of imminent serious physical injury.

It is a class B misdemeanor. Not sure how this will affect his law license

On May 4, 2013, at 4:29 PM, "Cooper, Clark" <ccooper@balch.com<<mailto:ccooper@balch.com>>> wrote:

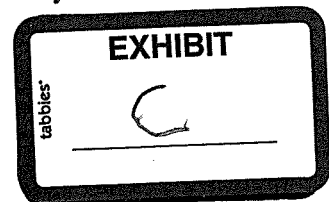
Have you seen this? No; sure how it's going to affect his law license. Bizarre

Clark A. Cooper, Partner, Balch & Bingham LLP
 1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642
 t: (205) 226-8762 f: (205) 488-5765 e: ccooper@balch.com<<mailto:ccooper@balch.com>>
www.balch.com<<http://www.balch.com>>

<image001.png>

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message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the bank shall be understood as neither given nor endorsed by it.
Thank You.

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ELECTRONICALLY FILED
9/10/2015 8:02 AM
58-CC-2015-000121.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA)	
)	
V.)	Case No.: CC-2015-000121.00
)	
NEWSOME BURTON WHEELER)	
Defendant.)	

ORDER ON PETITION FOR EXPUNGEMENT OF RECORDS

ORDER ON PETITION FOR EXPUNGEMENT OF RECORDS

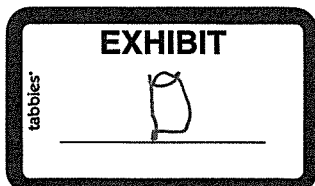
This case comes before the Court on the motion of Burton Wheeler Newsome (or "Newsome") to Alter, Amend, or Vacate its order dated August 31, 2015, denying his Petition for Expungement of Records related to his arrest for the misdemeanor of menacing. UPON CONSIDERATION thereof, the motion be and hereby is GRANTED, and the order dated August 31, 2015, be and hereby is VACATED and Newsome's Petition for Expungement of Records is GRANTED.

Upon consideration of the motion and the matters of record in this case, the court hereby finds as follows:

1. "Menacing" is a "misdemeanor criminal offense," and records concerning a charge of menacing are subject to expungement under section 15-27-1 of the Alabama Code.
2. The District Attorney of Shelby County was served with Newsome's Petition for Expungement on April 28, 2015.
3. Neither the district attorney nor the victim filed any objection to the Petition for Expungement within 45 days as required by section 15-27-3(c) of the Alabama Code. Consequently, they "have waived the right to object."
4. The record in this case reflects that the misdemeanor charge against Newsome was dismissed with prejudice by the District Court of Shelby County, Alabama, on April 4, 2014.
5. Newsome has therefore satisfied the requirements for expungement under section 15-27-1 *et seq.*

BASED ON THE FOREGOING, it is therefore ORDERED by the court as follows:

1. The Petition for Expungement of Records filed by Burton Wheeler Newsome is GRANTED.
2. All "records" concerning the charge, arrest, and incarceration of Burton Wheeler Newsome, on the misdemeanor of menacing be and hereby are EXPUNGED.
3. The charge and arrest subject to this order are further identified as case number DC 2013-001434 in the District Court of Shelby County Alabama, which case



originated with a complaint signed by John Franklin Bullock, Jr., on January 14, 2013, alleging that Newsome committed the crime of "menacing" in violation of section 13A-6-23 of the Alabama Code.

4. The "records" subject to this order include but are not limited to "arrest records," "booking or arrest photographs," "index references such is the State Judicial Information Services or any other governmental index references for public records search," and all "other data, whether in documentary or electronic form relating to the arrest or charge," as provided in section 15-27-9 of the Alabama Code.

5. Pursuant to section 15-27-6 of the Alabama Code, the District Court of Shelby BE AND HEREBY IS ORDERED TO EXPUNGE any and all "records" of the charge, arrest and incarceration except as otherwise provided in sections 15-27-6 and 15-27-10 of the Alabama Code.

6. Pursuant to section 15-27-6 of the Alabama Code, "any other agency or official" having custody of any such records BE AND HEREBY IS ORDERED TO EXPUNGE any and all "records" of the charge, arrest and incarceration except as otherwise provided in sections 15-27-6 and 15-27-10 of the Alabama Code.

DONE this 10th day of September, 2015.

/s/ DAN REEVES
CIRCUIT JUDGE