

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

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

v. )

CASE NO.: CV-2015-900190

CLARK ANDREW COOPER; )  
 BALCH & BINGHAM, LLP; )  
 JOHN W. BULLOCK, JR.; )  
 CLAIBORNE PORTER SEIER; )  
 DON GOTTIER; 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.

**AMENDED COMPLAINT<sup>1</sup> PURSUANT TO ARCP 78**

The Plaintiffs, pursuant to *Ala. R. Civ. P.* 78, hereby file the following amended complaint and substitute the defendant Clark Andrew Cooper for the Fictitious Defendants 1, 5, and 16, named in the original complaint, they substitute Don Gottier for Fictitious Defendants 2, 6, and 17; and they further substitute this Amended Complaint for the Complaint filed in this action on

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<sup>1</sup> This amendment is based on telephone records the plaintiffs first received from AT&T by email on Friday, June 23, 2017. The email is attached hereto as exhibit "A." The defendants had previously objected to the plaintiffs' subpoenas for these records, and after hearings, the court permitted the subpoenas to issue.

January 14, 2015. This amendment supersedes only the original complaint and not any other amendment to the original complaint, which amendments still remain in force.

### **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 was engaged in the private practice of law as a partner in Balch & Bingham, LLP, when events described herein occurred.

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.

6.1. The Defendant, Don Gottier, (hereinafter “Gottier”), upon information and belief, is an Alabama citizen, a resident of Calera, 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 or was 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 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 had his hand gun by his side pointing downwards, and asked Bullock to move out of his way and to get back in his vehicle so that Newsome could get into his vehicle and leave for court.

40. Bullock complied.

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

42. Clark Cooper, Claiborne Seier, John Bullock, and Don Gottier staged this incident to set-up Newsome for possible criminal charges under circumstances substantially similar to those that resulted in Newsome's criminal charges against Alfred Seier.

42.1. The motive for Claiborne Seier's participation in the scheme was Newsome's refusal to drop the menacing charges against Claiborne Seier's brother, Alfred Seier. The motive for Clark Cooper's participation in the scheme was to obtain Newsome's clients. On January 30, 2013 – two weeks after Bullock issued the warrant for Newsome's arrest – Cooper sent an email to IberiaBank Corp. soliciting a case in which Newsome was then representing Iberia.

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. 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. Shortly after Newsome's arrest, Clark Cooper sent emails and/or other communications to officers and bank officials with Iberiabank Corp and Renasant 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.

50.1. More specifically, Cooper's emails implied three "facts" that were not true: (a) that Newsome was in fact guilty of menacing; (b) that Newsome had violated the Rules of Professional Responsibility; and (c) "this [Newsome's arrest] will affect his law license."

51. Newsome was not convicted on the criminal charges, which were dismissed with prejudice on or about April 4, 2014.

52. 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.

52.1 Defendant Don Gottier filed a Motion To Dismiss Plaintiffs Amended Complaint which the Court set for hearing on August 3, 2017. See Exhibits 1A and 2. Defendant Balch Bingham also filed a Motion To Dismiss Plaintiffs Amended Complaint which was set for hearing on August 31, 2017. See Exhibit 3. The Court granted both Gottier's and Balch Bingham's Motions To Dismiss on August 2, 2017 – which was prior to the scheduled hearing dates on both Motions without giving Plaintiffs any notice and/or a hearing. See Exhibit 4. Plaintiffs learned that they would be denied a hearing and any chance to put on evidence via email from Allen Baker of Balch Bingham. See Exhibit 5. Pursuant to *ARCP 78*, if a Motion To Dismiss a Complaint is granted, Plaintiffs have an automatic right of amendment of the pleading to which the Motion To Dismiss was directed within 10 days of the service of the Order. See also *Burgoon v. Alabama State Department of Human Resources*, 835 So.2d 131 (Ala. 2002).

52.2 The Defendants "informed" the Court of their version of the deposition testimony of the Verizon representative who testified without a subpoena in a Regus conference room which resulted in the Court's dismissal Orders prior to the previously scheduled hearing dates. This "Verizon Representative" refused to testify as to his home address, his phone number, his social security number, where he went to college, who at Verizon asked him to attend the deposition on behalf of Verizon and/or his Information Technology background or lack thereof. He falsely stated that he was under subpoena as no subpoena had been issued in connection with this "deposition."



The Verizon representative did testify that he had no way to dispute Plaintiffs records that 205-410-1494 was a prepaid cell phone aka burner phone registered to Don Gottier. See Exhibit "5A".

52.3 After Plaintiffs filed their Amended Complaint on June 30, 2017 detailing the conspiracy and the use of the prepaid phone 205-410-1494 owned by Don Gottier of Calera, Alabama in said conspiracy, the Calera, Alabama Police Department lead by a "Detective Gilmore" said that it started investigating the matter. The Calera PD went on to assert that it had sent a subpoena to Verizon on July 6, 2017 and received results back from Verizon on July 14, 2017 which indicated that the number was an internal routing number and that Don Gottier had never been associated with the number. In the Calera Police Department's haste to generate these "records", it attached a halfway completed subpoena dated June 6, 2017. See Exhibit "6". This information contradicts the response of Verizon to Plaintiffs prior subpoena that said that the records were no longer available as they are kept for only one year which is consistent with the retention period for burner phones. See Exhibit "7".

52.4 Don Gottier filed an affidavit in Court stating he has never used the number 205-410-1494. See Exhibit "8". His daughter emailed the Plaintiffs that she called Verizon and that this number (205-410-1494) was tied to a scam ring. See Exhibit "9".

52.5 Allen Baker wrote the Plaintiffs that 205-410-1494 was never Gottier's number and that the number had been implicated in various telemarketing and fraud schemes. He then shifts to claiming that it was a router number and then that it was never in fact a number at all. He then cites the dubious Calera Police Department report and threatens Plaintiffs under the Alabama Litigation Accountability Act. See Exhibit "10".

**52.6 Voting registration records available online on August 2, 2017 showed Don Gottier registered as an Independent Voter in Alabama with an address of 1090 14<sup>th</sup> Street,**

**Calera, Alabama 35040 with a phone number of 205-410-1494.** When we pulled up the web page on August 11, 2017, this information had been purged. See Exhibits “11” and “12” and affidavit of Jennifer Choi. This is similar to when Balch Bingham scrubbed its website after it had boasted of changing Russian sanctions that had been implemented by then President Obama due to Russian interference in the 2016 Presidential race. See Exhibit “12A”.

52.7 Numerous other records available online clearly show Don Gottier tied to 205-410-1494. See Exhibits “13” through “16”.

52.8 Allen Baker of Balch Bingham wrote to the Plaintiffs accusing them of harassing Don Gottier and tries to get Plaintiffs to not go forward with the depositions of Gottier, the Calera Police Department, Sharon Lawson or Carey Lawson (See Exhibits “17” and “18”) on grounds that 205-410-1494 is not a valid number.

52.9 Plaintiffs issued a blanket subpoena for any phone numbers associated with John Bullock, one of the conspirators in Plaintiffs complaint. See Exhibit “19”. After not receiving the requested information, Plaintiffs subpoenaed AT&T for any communications from the Defendants requesting that AT&T not comply with a lawfully issued subpoena. See Exhibit “20”. AT&T sent back where Robert Ronnlund, attorney for Claiborne Seier, had written AT&T falsely claiming that an objection had been filed related to the subpoena issued for John Bullock’s numbers – who is not even his client – and listing out Bullock’s numbers that he did not want the records turned over to Plaintiffs for – including two of Bullock’s numbers that tie back to 205-410-1494. See Exhibit “21”.

52.11 Ronnlund wrote Judge Smitherman on August 8, 2017 alleging that Plaintiffs were attacking the credibility of the parties, their attorneys and the Calera Police Department and requesting a gag order on the media in the case. See Exhibit “22” Plaintiffs have not damaged any

of these parties reputations – they have done it to themselves. See Exhibit “23”. The reasons Defendants want the gag order is obvious.

52.12 Gottier refuses to honor the deposition subpoenas that he has been served with in this case and has repeatedly failed to appear. See Exhibit “24”. He has given false statements to the Court in his affidavits and pleadings and is avoiding testifying under oath as to the facts and his knowledge about the conspiracy involved in this case.

**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, Claiborne Seier, Clark Cooper, Don Gottier, and/or Fictitious Defendants 1– 4, and/or Fictitious Defendants 16-26 – acting by and through each other as agents, servants, employees, or co-conspirators – set-up and entrapped Plaintiff, Newsome, into engaging in the conduct occurring on or about December 19, 2012.

55. Defendants John Bullock, Claiborne Seier, Clark Cooper, Don Gottier, and/or Fictitious Defendants 1– 4, and/or Fictitious Defendants 16-26, acting by and through each other as agents, servants, employees, or co-conspirators, 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, Claiborne Seier, Clark Cooper, Don Gottier, 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, Claiborne Seier, Clark Cooper, Don Gottier, and/or Fictitious Defendants 1– 4, and/or Fictitious Defendants 16-26 – acting by and through each other as agents, servants, employees, or co-conspirators – 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, Claiborne Seier, Clark Cooper, Don Gottier, 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, Claiborne Seier, Clark Cooper, Don Gottier, and/or Fictitious Defendants 1– 4, and/or Fictitious Defendants 16-26 – acting by and through each other

as agents, servants, employees, or co-conspirators – 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, Claiborne Seier, Clark Cooper, Don Gottier, 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, Claiborne Seier, Clark Cooper, Don Gottier, 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, Claiborne Seier, Clark Cooper, Don Gottier, 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, Claiborne Seier, Clark Cooper, Don Gottier, 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.

63.1. This conspiracy is evidenced by – among other things – numerous telephone calls to Claiborne Seier, Clark Cooper, John Bullock and non-party Sharon Lawson (the widow of Alfred Seier) or her son from Don Gottier (205-410-1494). These calls were made at or near the time of significant events preceding this action. More specifically,

(a) On the day after Newsome was ordered to attend a hearing in Ashville (November 15, 2012) on December 19, 2012, Gottier called Seier once and Cooper twice; the following day (November 16, 2012), Gottier called Seier three times.

(b) On the day Alfred Seier died (November 18, 2012), Gottier called Cooper 2 times, for over 9 minutes. In the following three days, Gottier called Cooper 4 times, and he called Seier 5 times.

(c) In the four days before the Bullock-Newsome incident (12/15/12 to 12/18/12), Gottier called Cooper 10 times.

(d) On the day of the Bullock-Newsome incident (December 19, 2012), Gottier called Cooper 4 times – for almost 10 minutes.

(e) In the three days before Bullock signed the arrest warrant (1/11/13 to 1/13/13), Gottier called Cooper seven times – for over 40 minutes.

(f) On the day Bullock signed the arrest warrant (January 14, 2013), Gottier called both Cooper and Seier.

(g) On the day after Bullock signed the arrest warrant (January 15, 2013), Gottier called both Cooper and Seier – talking to Cooper for over 15 minutes.

(h) On the day before Newsome’s arrest (May 1, 2013) Gottier called Clark Cooper 6 times and Claiborne Seier 3 times.

(i) On the day of Newsome’s arrest (May 2, 2013) Gottier called Seier 2 times, and he called Cooper 5 times – for almost 20 minutes. The first call was placed at 1:59, within two hours after Newsome’s release from jail.

(j) On the day after Newsome’s arrest (May 3, 2013), Gottier called Cooper 7 times, and he called Bullock 1 time

(k) On the day Cooper sent a defamatory email and Newsome’s mug shot email to Brian Hamilton (May 4, 2013),

[1] Gottier called Cooper 5 times;

[2] he called Sharyn Lawson (Alfred Seier’s widow) or her son 2 times – for over 40 minutes, and

[3] he called Seier 1 time.

(k) In the six days after Newsome filed suit (1/15/15 to 1/21/15), Gottier called Cooper 14 times.

(l) In the nine days after Newsome file suit (1/14.15 to 1/23/15) Gottier called Sharyn Lawson (Alfred Seier’s widow) or her son 5 times, for almost 40 minutes.

The dates and times of these calls and others are shown on Exhibit “B” filed herewith.

Wherefore, Plaintiffs demand judgment separately and severally against Defendants John Bullock, Claiborne Seier, Clark Cooper, Don Gottier, Fictitious Defendants 1–4, and 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 a proximate 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 a proximate 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 a proximate 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 false and defamatory statements concerning the Plaintiff.

84. Defendant Clark Cooper and/or Fictitious Defendants 1–4, and/or Fictitious Defendants 16-26 separately and/or severally made unprivileged communications of false and defamatory statements to a third parties.

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 a proximate 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, 7781, 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 1-86 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 a proximate 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 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.

**COUNT 11A**  
**DECLARATORY JUDGMENT**

91.1. The defendants have alleged in motions and pleadings that the plaintiffs' claims, or some of them, are barred by a Dismissal & Release Order issued by the District Court of Shelby County on November 12, 2013.

91.2. In addition to the reasons stated in plaintiff's amendment to the complaint filed on March 11, 2015, the plaintiffs allege that the Dismissal & Release Order is void and unenforceable for the following reasons, separately and severally:

(a) By its terms, the release does not apply to unknown claims. Newsome did not know that Bullock, Seier, Cooper, and Gottier had conspired to stage the events leading to his arrest when he signed the Dismissal & Release Order. As a matter of public policy, such a form order may not release unknown claims arising from a fraudulent prosecution.

(b) The release is unenforceable because it purports to release Newsome's "criminal claims." The Dismissal & Release Order purports to release "all [of Newsome's] civil and criminal claims." A "criminal claim" is a "criminal prosecution." An agreement to "refrain[] from seeking prosecution of a crime" is illegal. Ala. Code § 13A-10-7. Thus, an order to do so is unenforceable.

(c) The release is unenforceable because it was part of an interlocutory order that terminated when the case was dismissed. The Release is not an independent contract; it exists only in the Dismissal & Release Order. The Dismissal & Release Order was an interlocutory order, and the criminal prosecution was dismissed on April 4, 2014. An interlocutory order becomes unenforceable when the case is dismissed."

(d) The release of a defendant's "civil and criminal claims" is not a legal sentence or punishment. A trial court does not have jurisdiction to impose a sentence not provided for by statute. "The only legal punishments ... are fines, hard labor for the county,

imprisonment in the county jail, imprisonment in the penitentiary ... and death.” Ala. Code § 15-18-1 (1975). The release of “civil and criminal claims” is not a legal punishment.

(e) The release does not satisfy the criteria established in *Town of Newton v. Rumery*, 480 U.S. 386 (1987), for enforcement of release-dismissal agreements. It is a Form Order executed pursuant to a “blanket policy” of requiring a “release” as a condition of a “dismissal.”

Wherefore, the plaintiffs request the court to enter a declaratory judgment holding that the Dismissal & Release Order is void and unenforceable.

/s/Charles I. Brooks

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

/s/Charles I. Brooks

Charles I. Brooks

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of August, 2017, I filed the foregoing with the AlaFile E-filing service, which will serve it by email upon all counsel who have appeared in this matter and pro se Defendants and I have also served the foregoing by United States mail, first class, postage prepaid on the following:

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