



## AlaFile E-Notice

01-CV-2015-900190.00

Judge: CAROLE C. SMITHERMAN

To: NEWSOME BURTON WHEELER  
burt@newsomelawllc.com

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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 matter was FILED on 2/16/2016 1:33:26 PM

**D002 BALCH & BINGHAM LLP**

**D001 COOPER CLARK ANDREW**

AMENDED MOTION FOR SUMMARY JUDGMENT

[Filer: BAKER SCHUYLER ALLEN JR.]

Notice Date: 2/16/2016 1:33:26 PM

ANNE-MARIE ADAMS  
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JEFFERSON COUNTY, ALABAMA  
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BIRMINGHAM, AL 35203

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**STATE OF ALABAMA**

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01-CV-2015-900190.00

CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

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☐ District Court☒ Circuit Court

CV20

BURT W NEWSOME ET AL V. CLARK ANDREW  
COOPER ET AL**CIVIL MOTION COVER SHEET**Name of Filing Party: D001 - COOPER CLARK ANDREW  
D002 - BALCH & BINGHAM LLP

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

SCHUYLER ALLEN BAKER JR.

P.O. BOX 306

BIRMINGHAM, AL 35201

Attorney Bar No.: BAK011

☐ Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**☐ Default Judgment (\$50.00)

Joinder in Other Party's Dispositive Motion (i.e.

☐ Summary Judgment, Judgment on the Pleadings, or  
other Dispositive Motion not pursuant to Rule 12(b))  
(\$50.00)☐ Judgment on the Pleadings (\$50.00)☐ Motion to Dismiss, or in the Alternative Summary  
Judgment(\$50.00)

Renewed Dispositive Motion(Summary Judgment,

☐ Judgment on the Pleadings, or other Dispositive  
Motion not pursuant to Rule 12(b)) (\$50.00)☐ Summary Judgment pursuant to Rule 56(\$50.00)☐ Motion to Intervene (\$297.00)☒ Other \_\_\_\_\_

pursuant to Rule \_\_\_\_\_ (\$50.00)

\*Motion fees are enumerated in §12-19-71(a). Fees  
pursuant to Local Act are not included. Please contact the  
Clerk of the Court regarding applicable local fees.☐ Local Court Costs \$ 0.00**Motions Not Requiring Fee**☐ Add Party☐ Amend☐ Change of Venue/Transfer☐ Compel☐ Consolidation☐ Continue☐ Deposition☐ Designate a Mediator☐ Judgment as a Matter of Law (during Trial)☐ Disburse Funds☐ Extension of Time☐ In Limine☐ Joinder☐ More Definite Statement☐ Motion to Dismiss pursuant to Rule 12(b)☐ New Trial☐ Objection of Exemptions Claimed☐ Pendente Lite☐ Plaintiff's Motion to Dismiss☐ Preliminary Injunction☐ Protective Order☐ Quash☐ Release from Stay of Execution☐ Sanctions☐ Sever☐ Special Practice in Alabama☐ Stay☐ Strike☐ Supplement to Pending Motion☐ Vacate or Modify☐ Withdraw☒ Other Amended Motion for Summary Judgment  
pursuant to Rule 56 (Subject to Filing Fee)Check here if you have filed or are filing  
contemporaneously with this motion an Affidavit of  
Substantial Hardship or if you are filing on behalf of an  
agency or department of the State, county, or municipal  
government. (Pursuant to §6-5-1 Code of Alabama  
(1975), governmental entities are exempt from  
prepayment of filing fees) ☐

Date:

2/16/2016 1:24:58 PM

Signature of Attorney or Party:

/s/ SCHUYLER ALLEN BAKER JR.

\*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

\*\*Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

**BURT W. NEWSOME; and NEWSOME  
LAW, LLC,**

**Plaintiffs,**

**v.**

**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.**

**CASE NO.: 01-CV-2015-900190.00**

**AMENDED MOTION FOR SUMMARY JUDGMENT MADE BY CLARK COOPER  
AND BALCH & BINGHAM LLP**

Pursuant to Alabama Rule of Civil Procedure 56, Defendants/Counterclaim Plaintiffs Clark Andrew Cooper (“Cooper”) and Balch & Bingham LLP (“B&B”) (collectively, the “B&B Defendants”) respectfully request that this Court grant summary judgment in their favor with respect to all claims brought against them by Plaintiffs Burt W. Newsome and Newsome Law (collectively “Newsome”) on the grounds that there are no genuine issues of material fact and the

B&B Defendants are entitled to judgment as a matter of law. As further grounds therefore, the B&B Defendants state as follows:

### **INTRODUCTION**

Newsome's suit against the B&B Defendants comprise claims for intentional interference with business and contractual relationships, defamation, conspiracy and vicarious liability/respondeat superior. The intentional interference claims fail because Newsome has failed to present evidence of any intentional interference, or to otherwise demonstrate how communications by one attorney with his client are barred by any rule of law or professional ethics. Further, justification is an affirmative defense to a claim of intentional interference and Alabama courts recognize that bona fide business competition, even to a competitors detriment, constitutes justifiable interference. The defamation claim fails because Cooper's single email memorializes a truthful and real event—he attached Newsome's mug shot, taken after he assaulted someone with a pistol. Newsome's conspiracy count fails because there is no underlying tort, Cooper did not know the people he was supposedly "conspiring" with, and Newsome's Deferred Prosecution Agreement and Release extends to release any alleged conduct by all Defendants notwithstanding Newsome's efforts to expunge his criminal charges. Because there is no underlying tort, B&B cannot be liable for vicarious liability/respondeat superior. Finally, in the Plaintiff's Second Amendment to the Complaint, Newsome argues that B&B invaded his privacy and put him in a false light. These assertions are without merit because neither Cooper nor B&B made public assertions regarding Newsome or Newsome's private affairs. A false light claim further requires the information to be false—an element that Newsome cannot satisfy with any evidence before the Court.

**STATEMENT OF UNDISPUTED MATERIAL FACTS**

1. Cooper is a partner at B&B practicing financial services and general litigation. Cooper Aff., Tab 1, ¶¶ 1-2. Among other clients, he has represented Iberiabank Corp. and Renasant Bank for several years, along with other attorneys across the State of Alabama, including Newsome. *Id.* at ¶ 2. Newsome does not contend that he is the exclusive attorney to represent Iberiabank Corp. and Renasant Bank.

2. B&B has a robust financial services group, which has represented these financial institutions, as well as Bryant Bank, the other bank Newsome references in his Complaint. *Id.* at ¶ 3.

3. Cooper has multiple client contacts who are employees of the banks described above, and some of those contacts are also personal friends of Cooper. One of those friends is Iberiabank Corp. executive Brian Hamilton, whom Cooper has known for approximately 15 years. *Id.* at ¶ 4.

4. On May 4, 2013, Cooper learned that Newsome had been arrested, and that he had been charged with menacing. Cooper learned of the arrest by viewing Newsome's "mug shot," which was and remains publicly available on the internet.<sup>1</sup> *Id.* at ¶ 5. Cooper now knows that the man Newsome was charged with menacing, is Defendant John W. Bullock, a man Cooper did not know until this lawsuit began. *Id.* at ¶ 9.

5. Also on May 4, 2013, Cooper forwarded the photograph to his friend Brian Hamilton via e-mail ("the May 4, 2013 Email"). At the time of this correspondence, Iberiabank Corp. was a client of the B&B Defendants, and remains a client. This correspondence was the

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<sup>1</sup> It is currently publicly available on the internet, including at: [http://alabama.arrests.org/Arrests/Burton\\_Newsome\\_12291239/](http://alabama.arrests.org/Arrests/Burton_Newsome_12291239/)

sole communication between Cooper and Hamilton and/or Iberiabank Corp. regarding Newsome's arrest. *Id.* at ¶ 6 (see also the correspondence attached thereto at Exhibit A).

6. It was also the sole communication between Cooper and any other banking personnel. Cooper did not correspond either with Renasant Bank, Bryant Bank or any other bank and/or person about Newsome's arrest. *Id.* at ¶ 7.

7. Newsome has made it clear in his own discovery responses that there is no evidence that Cooper corresponded with anyone other than Mr. Hamilton concerning Newsome's arrest. *See* Discovery Responses and Supp. ROG Responses at Tab 2 and 3. In fact, Newsome's discovery responses underscore the falsity of his entire lawsuit: in his supplemental interrogatory answers, Newsome specifically claims Renasant executive John Bentley received correspondence from Cooper pertaining to Newsome's arrest. *See* Supp. ROG Resp. #11 at Tab 3. While Newsome's allegation that Cooper communicated with John Bentley concerning the arrest is purely unsubstantiated, Mr. Bentley has provided an affidavit stating under oath that "[he has] never received an email from Clark Cooper or anyone at Balch & Bingham LLP related to Burt Newsome's May 2, 2013 arrest." Aff. at Tab 4. There is no evidence to the contrary.

8. Unrelated to Newsome or Newsome's arrest, Cooper has corresponded with his own clients, or other clients of B&B, in an effort to stay abreast of their legal needs, to keep the business relationships active, and to be of service to the clients. Other than his e-mail to Mr. Hamilton described above, the only correspondence Cooper sent to the banks listed in Newsome's Complaint referring to Newsome was in the form of case summaries generated by courthouse reporting services that Cooper forwarded by e-mail (the "Case Summary Emails"). *Id.* at ¶ 8 (copies of this correspondence is attached thereto at Exhibit B).

9. On January 14, 2015, Newsome filed the Complaint in this action, alleging intentional interference with his contractual and business relations with Iberiabank Corp., Renasant Bank and Bryant Bank, defamation, and conspiracy against Cooper, as well as vicarious liability/respndeat superior against B&B.

10. On February 20, 2015 the B&B Defendants filed a counterclaim for abuse of process against Newsome on the basis that the instant action is but one of many meritless and vexatious lawsuits in Newsome's long-established pattern and practice of abuse of the legal system. *See* counterclaim at Tab 5.<sup>2</sup>

### **STANDARD OF REVIEW**

Summary judgment is proper where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits . . . show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Ala. R. Civ. P. 56(c)(3). The moving party must "make a prima facie showing that there is no genuine issue of material fact and that it is entitled to a judgment as a matter of law." *Singleton v. State Farm Fire & Cas. Co.*, 928 So. 2d 280, 284 (Ala. 2005) (citations omitted).

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<sup>2</sup> Since 1993, Newsome has filed at least fourteen (14) lawsuits in various Alabama district and circuit courts alleging personal damages, including:

- In Re Estate of Faulk (CV-1995-000025, Geneva Co.);
- Newsome v. Chambers (CV-1993-000547, Montgomery Co.);
- Newsome v. Alabama Department of Public Safety (CV-96-000090, Shelby Co.);
- Newsome v. Delta Airlines Inc. and Expedia Inc. (DV-2002-001135, Tuscaloosa Co.);
- Newsome v. Hardin (SM-2003-000405, Madison Co.);
- Newsome v. Delta Airlines, Inc. (DV-2005-001518, Tuscaloosa Co.);
- Newsome v. Precision Plumbing & Repair Inc. (CV-2006-001068, Tuscaloosa Co.);
- Newsome v. Dad's Carpet & Upholstery Cleaning, Inc. (DV-2007-900305, Shelby Co.);
- Newsome v. Drew Jeffrey Gunnells, St. Vincent's, et al. (CV-2009-901168, Jefferson Co.);
- Newsome v. BP Exploration & Production, Inc. d/b/a BP (DV-2010-900814, Baldwin Co.);
- Newsome v. Sprint Communications Company, L.P. (CV-2010-900178, Shelby Co.);
- Newsome v. Wildigan Investments I, LLC (DV-2011-900457, Shelby Co.);
- Newsome v. All My Sons Moving and Storage of Birmingham, Inc. (CV-2012-900968, Shelby Co.)
- Newsome v. Diversified Sales, Inc. d/b/a Don's Carpet One Floor & Home (CV-2014-900721, Shelby Co.)

To defeat a motion for summary judgment, “the nonmoving party must present ‘substantial evidence’ creating a genuine issue of material fact - - ‘evidence of such weight and quality that fair-minded persons in the exercise of impartial judgment can reasonably infer the existence of the fact sought to be proved.’” *Id.* (citations omitted).

## **ARGUMENT AND AUTHORITY**

### **I. Newsome’s Intentional Interference Claims Fails as a Matter of Law**

Newsome has sued Cooper for intentionally interfering with his: “valid and existing business and contractual relationship with Ibertybank Corp.” (sic) (Count 6); “valid and existing business and contractual relationship with Renasant Bank” (Count 7); and “valid and existing business and contractual relationship with Bryant Bank.”

Under Alabama law, for a plaintiff seeking damages for an alleged intentional interference with business or contractual relations, the plaintiff must prove:

- (1) The existence of a contract or business relation;
- (2) Defendant’s knowledge of the contract or business relation;
- (3) Intentional interference by the defendant with the contract or business relation;
- (4) Absence of justification for the defendant’s interference; and
- (5) Damage to the plaintiff as a result of defendant’s interference.

*Gross v. Lowder Realty Better Homes & Gardens*, 494 So. 2d 590, 597 (Ala. 1986).

As an attorney who routinely represents Alabama financial institutions, Cooper is generally acquainted with the fact that Newsome, among many other attorneys all over Alabama, has represented the banks referenced in the Complaint. As such, it would appear that Newsome has satisfied the first two elements of intentional interference as set forth in *Gross v. Lowder Realty*.



**A. No evidence of intentional interference**

Newsome's claims for intentional interference fail "because [he] has presented **no evidence** to support a finding of the third element – that [Cooper] intentionally interfered with [Newsome's] employment relationship" with Iberiabank Corp., Renasant Bank, or Bryant Bank. *Hurst v. Alabama Power Company*, 675 So. 2d 397, 399 (Ala. 1996) (emphasis added). "Certainly, [Newsome] presented no evidence of **intentional** interference." *Id.* at 400 (emphasis added). The May 4, 2013 Email to Iberiabank Corp. executive Brian Hamilton was an attorney-client communication between Cooper and his current client, Iberiabank Corp. Tab 1, ¶ 4. No rule of law or professional ethics bars Cooper's ability to communicate with his client on any topic whatsoever. Similarly, the Case Summary Emails were attorney-client communications between Cooper and current clients of B&B. As such, the specific restraints governing communications with prospective clients contained in Alabama Rule of Professional Conduct 7.3 are not applicable, and it stands to reason there would necessarily be no intentional interference.

**B. Cooper's actions were justified**

Assuming *arguendo*, that the Court finds merit to Newsome's claim for intentional interference, it further fails because justification is an affirmative defense. The communication Cooper had with his and/or B&B's current and former clients constitutes lawful business competition. Legitimate economic motives and bona fide business competition qualify as justification for intentional interference with a competitor's business. *Bridgeway Commun., Inc. (WMLL Radio Station-1410 AM) v. Trio Broad., Inc. (WBLX Radio Station-93 FM)*, 562 So. 2d 222, 223 (Ala. 1990). The Alabama Supreme Court has stated that "[c]ompetition in business, even though carried to the extent of ruining a rival, constitutes justifiable interference in another's business relations, and is not actionable, so long as it is carried on in furtherance of

one's own interest." *Id.* (citing *Beasley-Bennett Electric Co. v. Gulf Coast Chapter of National Electrical Contractors Ass'n*, 134 So.2d 427 (1961)). In *Bridgeway*, the plaintiffs alleged that a competing radio station's employees told advertisers that the plaintiff station could not pay its bills and was about to go out of business. *Id.* Plaintiffs also alleged that the competitor station made libelous statements regarding the owner and his wife, which caused advertisers to stop conducting business with them. *Id.* at 223-24. The court noted that there was no evidence that the competing station asked the advertisers to cease doing business with the plaintiff, and the court affirmed the court's summary judgment in favor of the competing radio station. The court found that defendants were engaged in lawful competition to increase their own business and economic interests. *Id.*

Here, Cooper communicated with clients that both he and B&B had prior professional relationships with, and his communications constitute nothing more than business competition. Like the defendants in *Bridgeway* competing for the same advertisers, Cooper never requested any bank to cease doing business with Newsome. In fact, Cooper sent an email to Mark Hamilton stating to "save the big ones for [him]." See Tab 1, Exhibit B. As Cooper's email to Hamilton makes clear, Cooper was not ever looking for the same size of banking case that Newsome was working on. Thus, the communications between Cooper and Iberiabank corp., Renasant Bank, and Bryant Bank are justified interferences with Newsome's relationships.

## **II. Newsome's Defamation Count Fails as a Matter of Law**

While Count 9 of the Complaint is vague, the B&B Defendants understand the substance of Newsome's allegation to be that the May 4, 2013 Email from Cooper to Mr. Hamilton is defamatory.

Under Alabama law, in order to establish a claim for defamation, a plaintiff must show: “(1) that the defendant was at least negligent (2) in publishing (3) a false and defamatory statement to another (4) concerning the plaintiff, (5) which is either actionable without having to prove special harm (actionable per se) or actionable upon allegations and proof of special harm (actionable per quod).” *Ex parte Crawford Broad. Co.*, 904 So. 2d 221, 225 (Ala. 2004).

**A. Truth is a complete defense**

Falsity of the alleged statement is one of the five elements a plaintiff must show to establish a prima facie action for defamation. *Id.*: thus, “[t]ruth is a complete and absolute defense to defamation. . . . Truthful statements cannot, as a matter of law, have defamatory meaning.” *Federal Credit, Inc. v. Fuller*, 72 So. 3d 5, 9-10 (Ala. 2011). While Newsome’s arrest may not constitute evidence of wrongdoing, the arrest itself is a fact: the May 4, 2013 Email containing Newsome’s mug shot is irrefutably truthful because Newsome’s arrest, which gave rise to the creation of the mug shot, was in fact an event that occurred in time. Unless Newsome is claiming he was not arrested, or that the person in the mug shot is an imposter, his defamation claim fails as a matter of law.

**III. Newsome’s Conspiracy Count Fails as a Matter of Law**

Newsome further claims that Cooper conspired with the other Defendants named in the lawsuit to “frame” him for the crime of menacing. This outrageous claim fails for a variety of reasons, including but not limited to:

(1) Until Newsome filed this lawsuit, Cooper had never met the other Defendants in this matter. See Tab 1, ¶¶ 9-10.

(2) The Deferred Prosecution Agreement and Release, executed by Newsome, extends to release any of Cooper’s alleged conduct.

It is undisputed Newsome was arrested and charged with the crime of menacing after pulling a pistol on and making threats to Defendant Bullock in the parking lot of Newsome's law office. See police report at Tab 6. The charge was brought in the District Court of Shelby County, Alabama (58-DC-2013-001434.00). Newsome accepted and entered into a deferred prosecution agreement with the Shelby County District Attorney in settlement of the allegations asserted against him. See Tab 7. In this release, Newsome agreed to "grant a full, complete, and absolute Release of all civil and criminal claims stemming directly or indirectly from this case to . . . any other complainants, witnesses, associations, corporations, groups, organizations or persons in any way related to this matter . . .". *Id.* The release further states that Newsome "freely makes this release knowingly and voluntarily. In exchange for this release, this case with either be dismissed immediately, or pursuant to the conditions noted above." *Id.* Newsome's charges have since been released. Because his conspiracy count is undisputedly a "civil claim . . . stemming directly or indirectly from [the criminal menacing] case," it is directly within the scope of the released claims contemplated by the Deferred Prosecution Agreement and Release. Moreover, as an alleged co-conspirator, Cooper is clearly a "person[]" in any way related to this matter." As such, Cooper must correspondingly be deemed a released person under the terms of the Deferred Prosecution and Release Agreement.<sup>3</sup>

#### **IV. Newsome's Vicarious Liability/Respondeat Superior Count Fails as a Matter of Law**

Lastly, Newsome has named B&B in the lawsuit under the theory that it is vicariously liable for the alleged actions of Cooper (see Count 11). It is true that an employer will be vicariously liable for the torts of his employee while committed within the line and scope of the

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<sup>3</sup>This Court has already disposed of Newsome's arguments that the Deferred Prosecution and Release Agreement was not broad enough to cover alleged co-conspirators Defendants Bullock and Seier, and that the Deferred Prosecution and Release was somehow procured by fraud, and has dismissed both Defendants from this litigation via its May 7, 2015 orders.

employment. *Lawler Mobile Homes, Inc. v. Tarver*, 492 So. 2d 297, 305 (Ala. 1986). However, because Newsome has provided absolutely no evidence that Cooper is liable for any wrongdoing whatsoever, this count is also due to be dismissed as a matter of law.

**V. Newsome's Invasion of Privacy and False Light Claim Fail as a Matter of Law**

Newsome asserts that Cooper and/or B&B intruded into the physical solitude of Newsome and also placed him in a false light, causing him damage. In Alabama, invasion of privacy consists of four limited and distinct wrongs: (1) intruding into the plaintiff's physical solitude or seclusion; (2) giving publicity to private information about the plaintiff that violates ordinary decency; (3) putting the plaintiff in a false, but not necessarily defamatory, position in the public eye; or (4) appropriating some element of the plaintiff's personality for a commercial use." *Ex parte Birmingham News, Inc.*, 778 So. 2d 814, 818 (Ala. 2000).

The first—and key—element in proving this invasion-of-privacy tort is “publicity.” *Id.* (internal citations omitted). “Publicity” is making a “matter ... public, by **communicating it to the public at large**, or to so many persons that the matter must be regarded as substantially certain to become one of public knowledge.” *Id.* “Thus it is not an invasion of the right of privacy to communicate a fact concerning the plaintiff's private life to a single person or even to a small group of persons. *Id.* (internal citations omitted).

In addition, one who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person. *Myrick v. Barron*, 820 So. 2d 81, 86 (Ala. 2001). “The ‘wrongful intrusion’ prong of the tort of invasion of privacy has been defined as the ‘intentional interference with another's interest in solitude or seclusion, either as to his person or to **his private affairs or concerns.**’ ‘[T]here must be

something in the nature of prying or intrusion’ and ‘the intrusion must be something which would be offensive or objectionable to a reasonable person. The thing into which there is intrusion or prying must be, and be entitled to be, private.’” *Id.* (citing W. Prosser & W. Keeton, *The Law of Torts*, p. 851 (5th ed.1984)). However, the discovery of information that is known by others is not protected as “private” and is not shielded by the invasion of privacy tort. *Id.*

Regarding Newsome’s false light claim, placing an individual in a false light also requires that one gives publicity to a matter concerning another that places the other **before the public** in a **false** light is subject to liability to the other for invasion of his privacy, if the false light in which the other was placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed. *Regions Bank v. Plott*, 897 So. 2d 239, 244 (Ala. 2004). Without publicity or falsity, a false light claim fails as a matter of law.

**A. There is no publicity, private fact, or falsity**

As a preliminary matter, the absence of publicity is dispositive to Newsome’s invasion of privacy claims under both wrongs. Alabama requires that a plaintiff alleging invasion of privacy prove that a matter was made public by communicating to the “public at large.” *Ex parte Birmingham News, Inc.*, 778 So. 2d at 818. “Giving publicity” is “making a ‘matter ... public, by communicating it to the public at large, or to so many persons that the matter must be regarded as substantially certain to become one of public knowledge”. *Regions Bank v. Plott*, 897 So. 2d 239, 245 (Ala. 2004). Here, the only evidence currently before the Court is an email that Cooper exchanged with a bank employee. *See Tab 1, ¶6.* Publicity is not satisfied by a single communication with one person and Newsome has not alleged that any other communication was made such that a private fact was substantially certain to become one of public knowledge.

Notwithstanding the publicity requirement, it is also not an invasion of one's privacy to share a matter of public record, such as a mugshot, because a matter of public record is not "private." *I.C.U. Investigations, Inc. v. Jones*, 780 So. 2d 685, 692 (Ala. 2000) (there is no invasion of privacy liability for the examination of a public record); *see also Myrick v. Barron*, 820 So. 2d 81, 86 (Ala. 2001) (conducting interviews to discover information that was already known to others although personal in nature, was not an invasion of privacy). Newsome has alleged and submitted no other evidence that Cooper and/or B&B intruded to discovery any private matter that was then made public. There is also no evidence before the Court to suggest that Cooper or B&B invaded Newsome's physical person, himself. Although information may be personal in nature, courts reject privacy claims where the information in question was already known to others and was therefore, not private. *Myrick v. Barron*, 820 So. 2d 81, 86 (Ala. 2001). Thus, there is nothing private about Newsome or his person that he alleges was wrongfully discovered or shared.

Lastly, Cooper nor Balch have shared any information regarding Newsome that is false. The only evidence before the Court is an email showing that Cooper emailed Newsome's mugshot to a single representative at a bank. Newsome has not established any other communication was ever made by Cooper or B&B. As the only evidence, the mugshot fails to support a false light claim because the mugshot is not a false statement. Newsome was in fact arrested and the mugshot is a true representation of Newsom's person. Accordingly, Newsome has not established a prima facie claim that Copper or B&B shared any information **publicly**, has not established that Cooper or B&B shared any **private** information, or that any information about Newsome that was known by and/or shared by Cooper or B&B was **false**. Newsome's

invasion of privacy claims fail as a matter of law and is not supported with any evidence before the Court.

WHEREFORE, PREMISES CONSIDERED, the B&B Defendants respectfully request that this Court dismiss all claims made against them by Newsome with prejudice. A proposed order is attached hereto at Tab 8.

Respectfully submitted,

s/ S. Allen Baker Jr.

One of the Attorneys for Defendant, Clark Andrew  
Cooper and Balch & Bingham LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 16th, 2016 I filed a copy of the foregoing with the Clerk of the Court using the Alafire/E-File System which will automatically generate service on all parties to this action.

s/ S. Allen Baker, Jr.  
Of Counsel



ELECTRONICALLY FILED  
2/16/2016 1:33 PM  
01-CV-2015-900190.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

**Tab 1**

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**

**BURT W. NEWSOME; and NEWSOME  
LAW, LLC**

**Plaintiffs,**

**v.**

**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.**

**CASE NO.: 01-CV-2015-900190.00**

**AFFIDAVIT OF CLARK ANDREW COOPER**

STATE OF ALABAMA     )

JEFFERSON COUNTY     )

1.     My name is Clark Andrew Cooper, and I am over the age of 19 years. I am a partner at Balch & Bingham LLP ("B&B"). The statements made in this affidavit are true and correct, and are made based upon my personal knowledge.

2. I practice financial services and general litigation. Among other clients, I have represented Iberiabank Corp. and Renasant Bank for several years, along with other attorneys across the State of Alabama, including Plaintiff Newsome ("Newsome").

3. B&B has a robust financial services group, which has represented these financial institutions, as well as Bryant Bank, the other bank Newsome references in his Complaint.

4. I have multiple client contacts who are employees of the banks mentioned, and some of those contacts are also personal friends of mine. One of those friends is Iberiabank Corp. executive Brian Hamilton, whom I have known for approximately 15 years.

5. On May 4, 2013, I learned Newsome had been arrested, and that he had been charged with menacing. I learned of the arrest by viewing Newsome's mug shot, which is publicly available on the internet.

6. The same day, I forwarded the photograph to my friend Brian Hamilton. At the time of this correspondence, Iberiabank Corp. was a client of mine, as well as other lawyers at B&B, and it remains a client. The correspondence, a true and accurate copy of which is attached hereto as Exhibit A, was the sole communication I had with Hamilton and/or Iberiabank Corp. regarding Newsome's arrest.

7. It was also the sole communication I had with any banking personnel regarding Newsome's arrest. I did not correspond with anyone at Renasant Bank, Bryant Bank or any other bank and/or person about Newsome's arrest.

8. I do correspond with my clients, including B&B clients, in an effort to stay abreast of their legal needs, to keep the business relationships active, and to be of service to the clients. The only correspondence I have sent to the banks listed in Newsome's Complaint wherein Newsome's name is used, other than the e-mail which I mentioned above, is in the form

of forwarded reports from the courthouse news-generated case summaries. True and accurate copies of these e-mails are attached hereto as Exhibit B, and demonstrate that I have never interfered with Newsome's engagement with any client.

9. I now know the man Newsome threatened with a pistol is Defendant John W. Bullock, but I did not know him until this lawsuit began. Likewise, I did not know Defendant Claiborne Porter Seier until this lawsuit began.

10. I have never had any communications either with Defendant John W. Bullock or Defendant Claiborne Porter Seier, other than when I met them and exchanged pleasantries before a hearing in this case.

11. I did not have any knowledge of the menacing event that is the basis of Newsome's Complaint until after Newsome was arrested, based upon the mug shot I viewed on the internet. Until the Complaint was filed, I had no knowledge of any circumstances or facts related to Newsome's arrest. I did not in any way conspire with anyone in any way relating to Newsome including, but not limited to, having him arrested.

Further Affiant sayeth not.

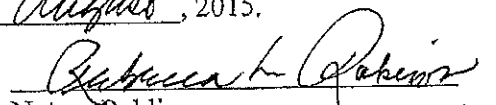
Dated this 12<sup>th</sup> day of Aug, 2015.

  
Clark Andrew Cooper

STATE OF ALABAMA     )  
JEFFERSON COUNTY     )

I, the undersigned notary public in and for said county in said state, hereby certify that Clark Andrew Cooper, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily.

Given under my hand this 12<sup>th</sup> day of August, 2015.

  
Notary Public  
My Commission Expires 11/23/16

# Exhibit A

**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](mailto: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](http://www.good.com))

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

**From:** Cooper, Clark [[ccooper@balch.com](mailto: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)<<mailto:ccooper@balch.com>>> wrote:

Have you seen this? Not 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) <<mailto:ccooper@balch.com>>  
[www.balch.com](http://www.balch.com) <<http://www.balch.com>>

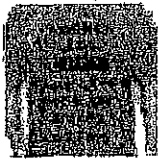
<image001.png>

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Thank You.



**Shelby County Inmates**

**NEWSOME, BURTON WHEELER**

**05/02/2013 05/02/2013**

**MENACING**



Cooper-0003

# **Exhibit B**

**Cooper, Clark**

---

**From:** Cooper, Clark  
**Sent:** Wednesday, July 24, 2013 10:50 AM  
**To:** David Agee  
**Subject:** Suit filed by Bryant Bank

Hello David,

I hope you are doing well. I see that the below suit was filed by Newsome. Anything I can do so that I could work with you?

Thanks

Clark

**Shelby County**  
**Shelby**

Bryant Bank  
v.  
Landsouth Contractors Inc.  
7/19/2013 58-CV-13-900835 Conwill  
(Shelby)

Breach of contract. Defendant

**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](mailto:ccooper@balch.com)  
[www.balch.com](http://www.balch.com)

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**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**  
 & 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](mailto:ccooper@balch.com)  
[www.balch.com](http://www.balch.com)

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**Cooper, Clark**

---

**From:** Cooper, Clark  
**Sent:** Wednesday, January 30, 2013 4:34 PM  
**To:** 'Hamilton, Brian'  
**Subject:** RE: Iberia

Ha ha!

---

**From:** Hamilton, Brian [<mailto:Brian.Hamilton@iberiabank.com>]  
**Sent:** Wednesday, January 30, 2013 4:31 PM  
**To:** Cooper, Clark  
**Subject:** RE: Iberia

That what she said.

Brian Hamilton  
 Vice President, Business Credit Services  
**IBERIABANK**  
 3595 Grandview Parkway, Suite 500  
 Birmingham, Alabama 35243  
 Phone: 205-803-5872  
 Cell: 205-420-2879

---

**From:** Cooper, Clark [<mailto:ccooper@balch.com>]  
**Sent:** Wednesday, January 30, 2013 4:31 PM  
**To:** Hamilton, Brian  
**Subject:** RE: Iberia

That makes sense. Save me for the bigger ones

Thanks

---

**From:** Hamilton, Brian [<mailto:Brian.Hamilton@iberiabank.com>]  
**Sent:** Wednesday, January 30, 2013 4:29 PM  
**To:** Cooper, Clark  
**Subject:** RE: Iberia

It's a zero balance loan (still a legal balance) where the guarantor filed bankruptcy and has been discharged. We pulled dated files that haven't been touched due to the zero loan balance (no exposure). The company is defunct too. But, we need default judgment out there to make it appealing to a buyer. Hope that makes sense. Burt's contract rate on uncontested default judgments is tough to match.

Brian Hamilton  
 Vice President, Business Credit Services  
**IBERIABANK**  
 3595 Grandview Parkway, Suite 500  
 Birmingham, Alabama 35243  
 Phone: 205-803-5872  
 Cell: 205-420-2879

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

Brian,

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

Thanks and no word from Benton yet

Clark

**BALCH**  
A B L I N G H A M L L P

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)  
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Thank You,

# Tab 2



## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

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

vs.

CLARK ANDREW COOPER, *et al.*,*Defendants.*

CASE NO. CV-2015-900190

**PLAINTIFFS' RESPONSE TO DEFENDANT'S FIRST SET OF  
CONSOLIDATED DISCOVERY REQUESTS**

COMES NOW, the Plaintiffs and submits the following responses to the Defendant's First Set of Consolidated Discovery Requests to the Plaintiffs. The Plaintiffs state:

**GENERAL OBJECTIONS**

Each of Plaintiffs' responses to the interrogatories and requests below is made subject to the General Objections stated below.

1. Plaintiff objects to each and every interrogatory and request to the extent that they call for information and/or documents protected by the attorney-client privilege, that constitute work product, or that are otherwise privileged or protected from disclosure.
2. Plaintiff objects to each and every request to the extent they purport to impose obligations that differ from or exceed those imposed by the Alabama Rules of Civil Procedure.
3. Plaintiff objects to each and every interrogatory and request to the extent they are not reasonably limited as to time, scope, geography or subject matter, call for confidential and/or trade secret information, and/or call for legal conclusions.
4. Plaintiff objects to each and every interrogatory and every request to the extent they seek information or documents in the public domain, which is as readily available to the Plaintiff as it is to Plaintiff.
5. Plaintiff objects to each and every interrogatory and every request to the extent they seek information from entities or individuals other than Plaintiff.
6. Plaintiff objects to each and every interrogatory and every request to the extent that they are vague, ambiguous, overly broad, unduly burdensome, and/or seek information

and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible information and/or documents.

7. The objections made by Plaintiff are based on information now available to his, and Plaintiff specifically reserves the right to amend, modify, or supplement his objections if he obtains additional responsive information during the course of its investigation or discovery.

8. Plaintiff does not waive any protections, rights, or privileges by responding to this discovery. All responses stated below incorporate the above-stated objections and are provided subject to and without waiving any of the objections stated above. The fact that Plaintiff may not repeat all of the foregoing objections for each specific interrogatory and request shall not waive any of the above-stated objections.

9. Plaintiff reserves the right to supplement his responses interrogatories and requests upon discovery of additional responsive information.

### INTERROGATORIES

1. Identify all of the damages you claim to have suffered as a result of the facts and legal claims you allege against Defendant Clark Cooper and/or Balch in the Complaint to the Instant Action.

**RESPONSE:** Damage to my good name and reputation, the good name and reputation of my firm, resulting in the loss of revenue from Renasant Bank.

2. Identify each and every fact that you contend supports your claim against Clark Cooper in connection to the claims for Intentional Interference with a Business or Contractual Relationship related to Iberiabank Corp., Renasant Bank, and Bryant Bank, as alleged in Counts VI, VII, and VIII of the Complaint.

**RESPONSE:** Cooper sent emails of my mug shot to common clients, making statements and questioning the impact my arrest would have on my law license and consequent ability to continue to represent these clients in matters I was currently representing them; he also tracked my cases on Alacourt and emailed common clients with reference to specific cases in which I was representing those common clients asking about doing work for them on those and other existing cases.

3. Identify each and every fact that you content supports your claim in connection to the Defamation claim, as alleged in Count IX in the Complaint, with respect to Clark Cooper.

**RESPONSE:** The copies of my emails with statements implying the arrest would have some negative impact on my law license and ability to represent clients. The rapid sending of my mug shot after my arrest and the specific targeting of common clients.

4. Identify each and every fact that you contend supports your claim in connection to the Conspiracy claim, as alleged in Count X in the Complaint, with respect to Clark Cooper.

**RESPONSE:** The copies of my emails with statements implying the arrest would have some negative impact on my law license and ability to represent clients. The rapid sending of my mug shot after my arrest. The specific targeting of common clients.

5. Identify, provide facts, and explain how Burt Newsome became aware that Clark Cooper sent his mug shot to Iberia Bank.

**RESPONSE:** I was told by both Mark Reiber and Brian Hamilton of IBERIABANK and by Bill Stockton of Renasant Bank.

6. Identify any and all persons or entities that you contend received a mug shot sent by Clark Cooper.

In response, please attach copies to your responses of any written evidence or proof that anyone received a copy of Burt Newsome's mug shot that you contend was originated by Clark Cooper.

**RESPONSE:** IBERIABANK

7. Identify all individuals who are likely to have knowledge of any of the facts alleged in the Complaint in the Instant Action, including their full name, home address, business address, home telephone number, business telephone number, mobile telephone number, email address, and a detailed description of the facts of which you believe they have knowledge.

**RESPONSE:** Bill Stockton  
John Bentley  
Brian Hamilton  
Mark Reiber  
David Agee  
John Bullock  
Claiborne Seier

Jennifer Choi

8. Identify all banking clients whom Burt Newsome or Newsome Law has represented since January 2005, indicating the length of the representation and whether the client terminated the relationship.

**RESPONSE:** AmSouth (Dissolved by merger)  
 Alamerica  
 Iberia  
 Premier Bank (Taken over by FDIC)  
 Red Mountain Bank (Dissolved by merger)  
 Renasant  
 Aliant  
 Frontier Bank (Dissolved by merger)  
 Summit Bank  
 M&F (Dissolved by merger)  
 Regions  
 First Community Bank

9. Identify all banking clients currently or previously represented by Burt Newsome or Newsome Law whom have been dissatisfied with the manner in which matters were handled, including any and all disagreements between the client and Burt Newsome.

**RESPONSE:** Regions -- sent me the wrong mortgage on a file to foreclose and said I should have realized that prior to starting foreclosure.

10. Identify any instances where a banking client has fired, terminated a legal relationship, or removed an active file from Burt Newsome or Newsome Law, including all individuals and facts involved.

**RESPONSE:** None; some of my clients have been dissolved by the FDIC and/or merged and I did not represent the new bank post merger.

11. Identify all communications to any banking clients which reference or refer to Clark Cooper and/or Balch.

**RESPONSE:** Objection. Vague, ambiguous, confusing, overly broad, unduly burdensome, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence; and calls for information protected by attorney-client privilege.

12. Identify all cases currently being handled, or those that have been handled since 2010 by Burt Newsome or Newsome Law LLC, for Iberiabank Corp., Bryant Bank, and Renasant Bank, and describe the nature of the action, including contacts at each bank.

**RESPONSE:** Objection. Vague, ambiguous, confusing, overly broad, unduly burdensome, information requested is equally available to Defendant Cooper and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence; and calls for information protected by attorney-client privilege.

13. Identify any and all lawsuits where Burt Newsome and/or Newsome Law has been the plaintiff or the defendant.

**RESPONSE:** Defendants, Cooper and Balch already have a list of these lawsuits.

14. Identify whether Burt Newsome has ever been sued for legal malpractice, and for each instance describe the facts surrounding the action, and the resolution of the action.

**RESPONSE:** No.

15. Identify any instances of prejudice and/or harm caused to a client due to the actions or inactions associated with representation by Burt Newsome or Newsome Law

**RESPONSE:** None.

16. Identify whether Burt Newsome or Newsome Law has ever had to refund or pay money back to a client.

**RESPONSE:** None – unless a client inadvertently overpaid on a bill.

17. Identify every law firm where Burt Newsome has worked and/or been employed and identify the length of employment, the reason for leaving, and any terminations of Burt Newsome's employment.

<b>RESPONSE:</b> Wolfe Sores & Boswell	2 years	Moved to Tuscaloosa
Hubbard Smith	2 years	Started firm
Nelson, Dorroh, Grace & Newsome	2 years	Moved to Birmingham

18. Identify whether Burt Newsome has ever made a claim against an insurance carrier with whom he held a policy.

**RESPONSE:** None.

19. Identify any and all disciplinary actions taken against Burt Newsome by the Alabama State Bar, any court, or other disciplinary body.

**RESPONSE:** None.

20. Identify date(s), subject matter, and outcome for any bar complaint filed in every state in which you are licensed, and provide all documents in your possession relating to each and every such complaint.

**RESPONSE:** None.

21. Identify any and all revenue earned for legal work performed from 2010 through the present with respect to Iberiabank Corp., Renasant Bank, and Bryant Bank and indicate how much revenue was earned from each bank.

**RESPONSE:** Objection. Overly broad, unduly burdensome, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence.

22. Identify any and all Alabama State Bar complaints and any informal complaints (written or oral) related to Burt Newsome's practice of law.

**RESPONSE:** None.

23. List each and every time either Burt Newsome or any client Burt Newsome represented received an Alabama Litigation Accountability Act ("ALAA") letter, including the case, the style of the case, whether a subsequent ALAA motion was filed and what the outcome was of any motion.

**RESPONSE:** Objection. Overly broad, vague, ambiguous, unduly burdensome and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence. This objection notwithstanding, all ALAA motions were denied and decided in mine or my clients' favor or withdrawn.

24. Identify any instance where a court has entered sanctions or awarded attorney's fees against Burt Newsome and/or Newsome Law,

**RESPONSE:** None.

25. Identify all arrest records of Burt Newsome and all facts associated with each arrest.

**RESPONSE:** One arrest – Bullock matter

26. Identify all criminal records of Burt Newsome.

**RESPONSE:** One arrest – Bullock matter

27. Identify whether Burt Newsome has ever been sued for or charged with rape, and state how the action was resolved, and/or whether a settlement was reached between any involved parties.

**RESPONSE:** Never been charged with any criminal wrong-doings except the Bullock matter, which has already been provided.

28. State whether Burt Newsome has ever taken any action to have an arrest record removed in Alabama, or any other state, including where the arrest occurred, and the alleged crime,

**RESPONSE:** Yes, Filed a motion to have Bullock arrest expunged from my record.

29. State whether Burt Newsome has had his driver's license suspended, indicating the reason for suspension and the period of time during which the license was suspended.

**RESPONSE:** Objection. Overly broad, vague, ambiguous, unduly burdensome and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence.

30. State whether Burt Newsome held a gun permit from January 2012 to the present and indicate time periods during which a gun permit was held.

**RESPONSE:** No, held a gun permit up and until the Bullock matter.

31. Identify every state in which Burt Newsome is, has ever been, or has ever applied to become licensed to practice law, including the number of times Bert Newsome has taken the respective state bar exam for those states listed,

**RESPONSE:** Alabama - 1

32. List the name and address of each healthcare provider, including but not limited to any physician, nurse practitioner psychiatrist, therapist, or other licensed health professional that Burt Newsome have seen or been treated by in the last 10 years.

**RESPONSE:** Objection. Overly broad, vague, ambiguous, unduly burdensome and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence, and seeks information protected by the Health Insurance Portability and Accountability Act.



**REQUEST FOR PRODUCTION**

1. All documents relied on, referred to, alluded to or considered in the formation of Burt Newsome's and Newsome Law LLC's responses to the above Interrogatories.

**RESPONSE:** See Attached Exhibit

2. All non-privileged documents which support a contract, including letter of engagement, of any kind with Iberiabank Corp., Renasant Bank, and/or Bryant Bank.

**RESPONSE:** Objection. Privileged

3. All Communication or correspondence, including but not limited to emails and text messages, in your possession, custody, or control that refer to, relate to, are addressed to, or were sent by Clark Cooper and/or Balch.

**RESPONSE:** See Attached Exhibit

4. Any internal communications, including but not limited to emails and text messages, in your possession, custody, or control that refer to or relate to the facts alleged in the Complaint to the Instant Action including but not limited to allegations regarding Clark Cooper, Balch, Iberiabank Corp., Renasant Bank and Bryant Bank.

**RESPONSE:** See Attached Exhibit

5. Any documents which support your allegation that Clark Cooper sent emails and/or communications to officers and/or bank officials of Iberiabank Corp., Renasant Bank, and/or Bryant Bank.

**RESPONSE:** See Attached Exhibit

6. Any non-privileged communications or correspondence, including but not limited to emails and text messages, in your possession, custody, or control that refer to or relate to the Instant Action.

**RESPONSE:** See Attached Exhibit

7. All Documents that you have subpoenaed from third parties.

**RESPONSE:** Have not received any answers or documents yet to supply.

8. All Statements you have obtained from any person in the course of the Instant Action.

**RESPONSE:** None.

9. All Documents in your possession, custody, or control that you contend supports your claim for Intentional Interference with a Business or Contractual Relationship, as alleged in Counts VI, VII, and VIII of the Complaint in the Instant Action.

**RESPONSE:** See Attached Exhibit

10. All Documents in your possession, custody, or control that you contend supports your claim for Defamation, as alleged in Count IX of the Complaint in the Instant Action.

**RESPONSE:** See Attached Exhibit

11. All Documents in your possession, custody, or control that you contend supports your claim for Conspiracy, as alleged in Count X of the Complaint in the Instant Action.

**RESPONSE:** See Attached Exhibit

12. The face page of any lawsuit you are handling or have previously handled for Iberiabank Corp., Renasant Bank, or Bryant Bank.

**RESPONSE:** Objection. Vague, ambiguous, confusing, overly broad, unduly burdensome, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence; and calls for information protected by attorney-client privilege.

13. A copy of Burt Newsome's deposition in the matter Carmen Purser v. Wolfe, Jones & Boswell and Burton Newsome, CV-02-B-1023-NE.

**RESPONSE:** Objection. Vague, ambiguous, confusing, overly broad, unduly burdensome, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence. This objection notwithstanding, I was never deposed.

14. A copy of Carmen Purser's deposition in the matter Carmen Purser v. Wolfe, Jones & Boswell and Burton Newsome, CV-02-B-1023-NE, N.D. Al.

**RESPONSE:** Objection. Unduly burdensome, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence; calls for information equally available to Cooper and Balch through a third party. This objection notwithstanding, I do not have a copy in my possession.

15. A copy of every Answer filed by Burt Newsome in the matter Carmen Purser v. Wolfe, Jones & Boswell and Burton Newsome, CV-02-B-1023-NE, N.D. Al.

**RESPONSE:** Objection. Unduly burdensome, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence; calls for information equally available to Cooper and Balch through a third party. This objection notwithstanding, I do not have a copy in my possession.

16. All tax returns from 2010 through the present.

**RESPONSE:** Objection. Unduly burdensome, overly broad, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence.

17. Copies of any gun permit identified in Interrogatory #28.

**RESPONSE:** Do not have.

18. For each of the cases listed below, provide a copy of the complaint and any amended complaints, all answers filed in the action, all discovery requests and responses related to the action, and any settlement agreements:

**RESPONSE:** Objection. Unduly burdensome, and/or seeks information and/or documents that are not relevant to the issues in this litigation and that are not reasonably calculated to lead to the discovery of admissible evidence and are unreasonable as to scope of time

- Newsome v. Chambers, CV-1993-000547, Montgomery Co.
- In re The Estate of Faulk, CV-1995-000025, Geneva Co.
- Newsome v. Alabama Department of Public Safety, CV-96-000090, Shelby Co.
- Newsome Bankruptcy, 9-01394-BGC7.
- Purser v. Wolfe, Jones & Boswell and Newsome, CV-02-B-1023-NE, N.D. Ala.
- AllState Insurance Company v. Burton W Newsome and Carmen Purser, 5:03-cv 00019-SLB, N.D. Ala.
- Newsome v. Delta Airlines Inc. and Expedia Inc., DV-2002-001135, Tuscaloosa Co.
- Newsome v. Hardin, SM-2003-000405, Madison Co.
- Newsome v. Delta Airlines, Inc., DV-2005-001518, Tuscaloosa Co.
- Newsome v. Precision Plumbing & Repair Inc., CV-2006-001068, Tuscaloosa Co.
- Newsome v. dad's Carpet & Upholstery Cleaning, Inc., DV-2007-900305, Shelby Co.
- Newsome v. Drew Jeffrey Gunnells, St. Vincent's, et al., CV-2009-901168, Jefferson Co.
- Newsome v. BP Exploration & Production, Inc. d/b/a BP, DV-2010-900814, Baldwin Co.

**RESPONSE:** Could not use condo due to oil spill

- Newsome v. Sprint Communications Company, L.P., CV-2010-900178, Shelby Co.

**RESPONSE:** Sending me cell phone bills when I have never had a Sprint account.

- Newsome v. Wildigan Investments I, LLC, DV-2011-900457, Shelby Co.

**RESPONSE:** Would not refund money for delayed flight

- Newsome v. Shelby County Board of Equalization and Adjustment, CV-2011000468, Shelby Co.

**RESPONSE:** Pursuing the opportunity to lower my property taxes

- Newsome v. All My Sons Moving and Storage of Birmingham, Inc., CV-2012900968, Shelby Co.

**RESPONSE:** Moving Company lost connectors to all my furniture during my move

- State of Alabama v. Newsome, DC-2013-001434, Shelby Co.

**RESPONSE:** Bullock matter

- Newsome v. Diversified Sales, Inc, d/b/a Don's Carpet One Floor & Home, CV-2014-900721, Shelby Co.

**RESPONSE:** Don's Carpet One failed to lay hardwood flooring properly in my home.

Respectfully submitted this the 20<sup>th</sup> day of April, 2015.

  
 BURT W. NEWSOME

STATE OF ALABAMA     )

Before me, a Notary Public in and for said State, hereby certify that the BURT W. NEWSOME, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that the facts alleged in the foregoing are true and correct to the best of his knowledge, information and belief on this 20<sup>th</sup> day of April, 2015.

  
 Notary Public

My Commission expires: Notary Public Alabama State at Large  
My Commission Expires October 4, 2016

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

LUSK LAW FIRM, LLC  
 P. O. Box 1315  
 Fairhope, AL 36533  
 251-471-8017  
 251-478-9601 Fax  
 rlusk@lusklawfirmllc.com

Certificate of Service

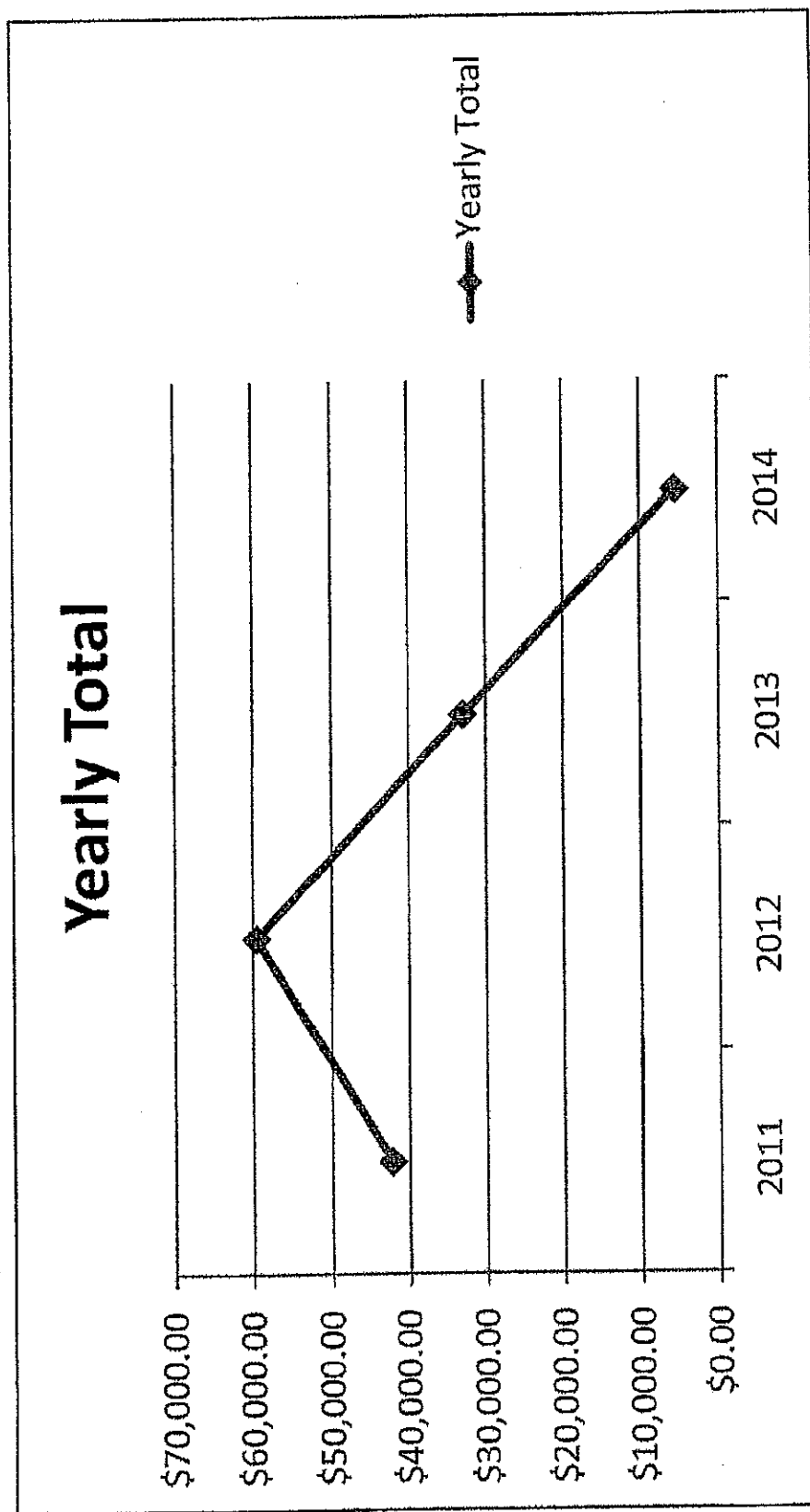
I hereby certify that I have filed electronically and served a copy of the foregoing upon the below listed parties to this action by placing a copy of same in the United States Mail, postage prepaid and properly addressed, this the 21st day of April, 2015.

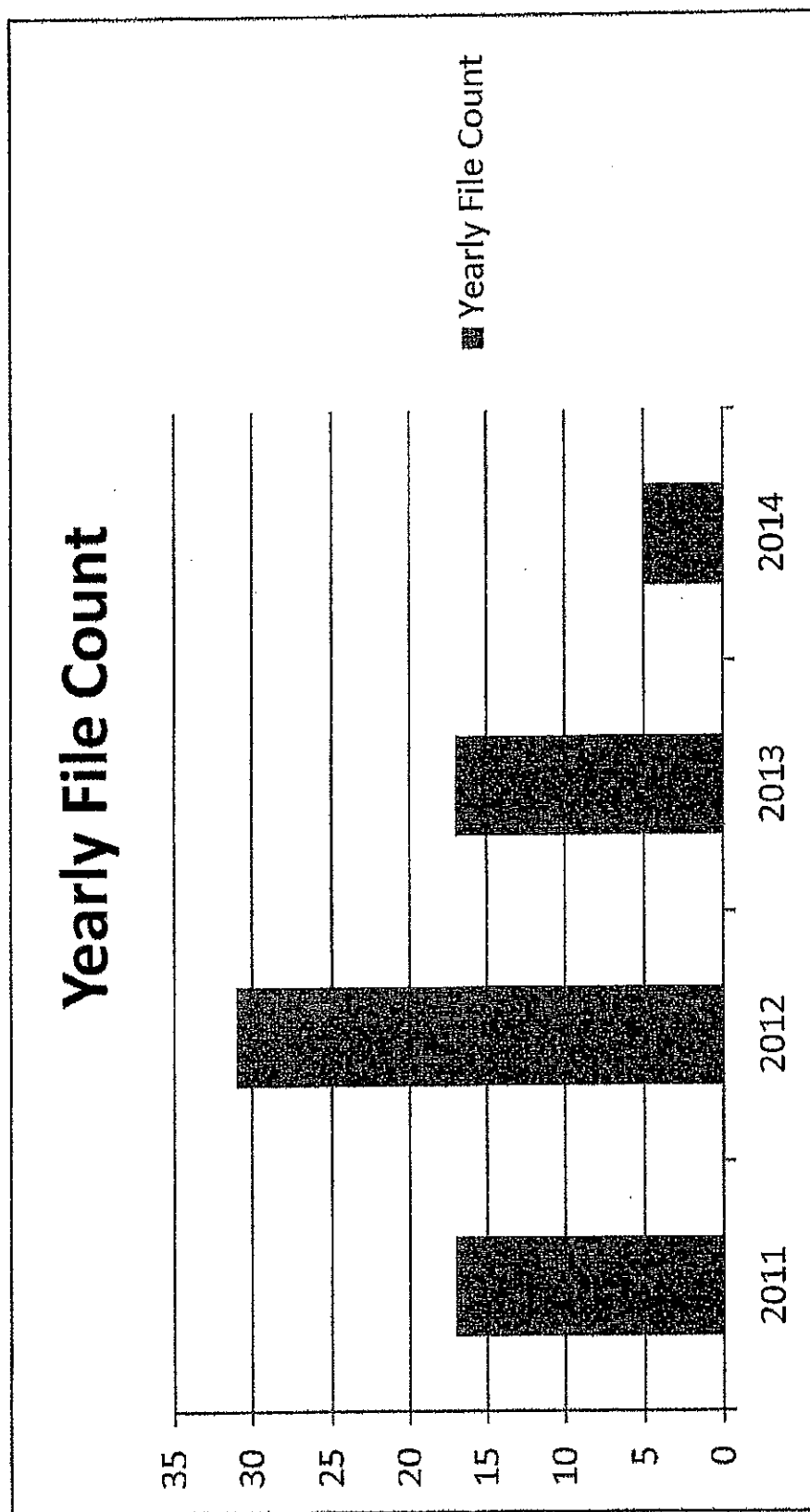
S. Allen Baker  
 Amelia K. Steindorff  
 Balch & Bingham  
 1901 Sixth Avenue North  
 Suite 1500  
 Birmingham, AL 35203

James E. Hill, Jr.  
 Hill, Weisskopf & Hill  
 Moody Professional Bldg  
 2603 Moody Parkway -  
 Suite 200  
 Moody, Alabama 35004

Robert Ronnlund  
 P.O. Box 380548  
 Birmingham, AL 35238

/s/ Robert E. Lusk, Jr.  
 ROBERT E. LUSK, JR. (LUS005)  
 Attorney for Plaintiffs









CHRIS CURRY  
SHERIFF

380 MCDOW ROAD  
P.O. BOX 1095  
COLUMBIANA, AL 35051  
PHONE (205) 669-4181  
FAX (205) 669-9865  
WWW.SHELBY50.COM

SHELBY COUNTY  
**SHERIFF'S OFFICE**  
SHELBY COUNTY, ALABAMA

Date 5/2/13

Dear Mr. Newsome

Your pistol permit # 201209029 issued 7/10/12  
is revoked, effective immediately. This action is the result of your recent  
Menacing arrest by the Shelby County  
Sheriff's Office

**The permit is considered null & void.**

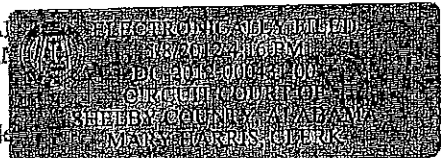
☒ An envelope is enclosed for your convenience in returning your permit. It must be returned to our office within 10 business days.

☐ Your permit has been returned to us by the arresting agency.

If you have any questions regarding the revocation of your pistol permit you can contact the Shelby County Sheriff's Office at 669-3936.

Chris Curry, Sheriff  
Shelby County Sheriff's Office

## IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA v. Alfred SelcoTRIAL  
(MISDEMEANOR)This matter comes before the Court for trial on a complaint against the Defendant for the misdemeanor of Menacing in violation of Section 13A-6-23.

Defendant has been duly advised of all relevant constitutional, substantive and procedural rights in this matter, including the right to appeal the judgment of this court, is ☒ represented by counsel: Bobby Harris and has NOT waived the right to the same. The facts in this matter are NOT stipulated.

After hearing all the evidence and arguments duly presented, THE COURT FINDS THE DEFENDANT ☒ GUILTY ☒ AS CHARGED, OR \_\_\_\_\_

The Defendant is hereby SENTENCED to a term of 30 days (at hard labor if allowed by law) for Shelby County, Alabama, which will ☒ be suspended for 24 months. Suspended Sentence will be supervised by Shelby County Community Corrections. Supervision will last until all ordered programs are complete and all ordered costs are paid. The Defendant will be awarded all entitled JAIL TIME CREDIT. Said sentence will not run concurrently with that imposed in any other case. The Defendant also is ordered to pay the following amounts by the dates given below.

\$ \_\_\_\_\_ in further RECOUPMENT to the Fair Trial Tax Fund by: \_\_\_\_\_  
 \$ 238 in COURT COSTS by: \_\_\_\_\_  
 \$ 20 in JAIL HOUSING COSTS by: \_\_\_\_\_ AND ALL MEDICAL EXPENSES incurred while in jail.  
 \$ 25 to the CRIME VICTIMS COMPENSATION FUND by \_\_\_\_\_  
 \$ 50 as a FINE by: \_\_\_\_\_  
 \$ \_\_\_\_\_ in RESTITUTION to: \_\_\_\_\_ by: \_\_\_\_\_  
 \$ \_\_\_\_\_ as ADDITIONAL FEES in accord with ALABAMA CODE §36-18-7(a) and § 12-19-181 by: \_\_\_\_\_  
 \$ 333 TOTAL DUE by: within 90 days

All payments must be made to the COURT CLERK by cash, money order, or certified check, paid at the Shelby County Courthouse or mailed to: P.O. BOX 1810, COLUMBIANA, AL. 35051. The Defendant shall put the above case number on all payments and keep all receipts. The Defendant shall pay these amounts as ordered, including supervision fees, and complete the tasks otherwise ordered, and comply with all the provisions checked below as conditions of any suspended sentence, probation, parole, work release, SIR or any other similar program. Failure to pay or perform by the dates given may result in the revocation of any probation and the reinstatement of any sentence which was originally suspended in this case.

- ☒ Obey all laws and ordinances and, in so far as possible, maintain a full time job or full time student status.
- ☒ Avoid any and all contact with: Buck Newberry his residence or place of business.
- ☐ Serve \_\_\_\_\_ consecutive days (at hard labor if allowed by law) in the Shelby County Jail \_\_\_\_\_ and Jail Time Credit will \_\_\_\_\_ be applied toward this portion of the sentence.
- ☐ Serve \_\_\_\_\_ days at the Shelby County Work Release Center, each day to be served from 8:00 A.M. to 4:00 P.M. on the following days: \_\_\_\_\_ Defendant is ordered to pay \$25.00 fee for each day of service at the Center, which is to be paid daily when Defendant arrives at the Center.
- ☐ Complete \_\_\_\_\_ hours of community service and give the Court proof of the same by: \_\_\_\_\_
- ☐ Complete a Defensive Driving Course, \_\_\_\_\_ and provide proof of completion to the Court by: \_\_\_\_\_
- ☐ Report to and successfully complete a drug and/or alcohol treatment program as directed by the CRO and appear in court to provide proof of the same on: \_\_\_\_\_ at \_\_\_\_\_. Defendant shall \_\_\_\_\_ pay for the program.
- ☐ The Defendant's driver's license/privilege shall be suspended for \_\_\_\_\_ months from the date of judgment.

## ORDER OF COURT

The Defendant has 14 DAYS to perfect any appeal. Appeal bond is set at \$ 2,000. Any fines, fees, costs, etc., not specifically taxed herein, are hereby remitted. The Court Clerk shall furnish a copy of this order to Defendant.

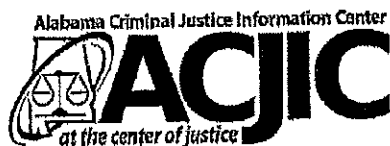
DONE AND ORDERED: 05-08-12

Rm Jackson  
HONORABLE RONALD E. JACKSON, DISTRICT JUDGE

A COPY OF THIS ORDER PROVIDED TO DEPT. THIS DATE BY: REJ

MISD-TR, ORD (REV. 10-6-08)

Appendix A - Chapter 265-X-2



ALABAMA CRIMINAL JUSTICE INFORMATION CENTER  
**Application to Review or Challenge  
 Alabama Criminal History Record  
 Information**

**PART I: Applicant Information**

Full Name (First, Middle, Last, Suffix): Burton Wheeler Newsome  
 Applicant Current Address: 7450 Dunnavant Valley Road  
 City: Leeds State: Alabama Zip Code: 35094  
 Alias or Nickname(s): \_\_\_\_\_ Sex/Gender: ☒ Male ☐ Female  
 Social Security Number: 255-27-7001 Date of Birth: 9/4/1966 (month/date/year)  
 Race: ☒ White ☐ Black ☐ Asian ☐ Indian ☐ Other (please specify) \_\_\_\_\_  
 Current Driver's License Number: 9303132 Issuing State: Alabama  
 Current e-mail address: burt@newsomelawllc.com  
 Home Phone #: ( ) Cell Phone #: ( 205 ) 657-6579  
 Work Phone #: ( 205 ) 747-1972 Extension: \_\_\_\_\_

## 1. My request is to (check all that apply):

- ☒ Review a copy of my CHRI maintained by ACJIC;  
☐ Challenge specific items in my CHRI maintained by ACJIC (see requirements in Part II of this application).  
☒ Receive a Certified Official Criminal Record as required to file a Petition for Expungement of Record.

## 2. Included with my Application are the following items:

- ☒ The required copy of my valid photo identification (see "Appendix A" for application instructions for requirements and for accepted forms of identification).  
☒ The required \$25.00 administrative fee (must be in the form of a money order or Cashiers checks made payable to the STATE OF ALABAMA).  
☒ A classifiable copy of my own fingerprints taken by law enforcement as required (please see "Appendix C" for instructions).

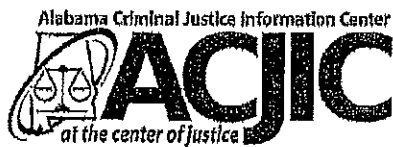
I, the above referenced individual, hereby request to Review or Challenge my Alabama criminal history record information (CHRI) maintained by the Alabama Criminal Justice Information Center, Alabama's official criminal history repository. By signing below and submitting this application, I hereby verify that the information listed in my application and in the attached documentation is correct. I also acknowledge that I understand that, in accordance with Section 41-9-601 of the Code of Alabama 1975, that any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information to any agency or person without authorization, may be guilty of a felony, and shall be fined not less than \$5,000 nor more than \$10,000 or imprisoned in the state penitentiary for not more than five years or both. § 41-9-601, Code of Ala. (1975).

Applicant Signature

Date

10/8/2014

## Appendix A – Chapter 265-X-2



ALABAMA CRIMINAL JUSTICE INFORMATION CENTER  
**Application to Review or Challenge  
 Alabama Criminal History Record  
 Information**

**PART II: Request to Challenge CHRI maintained by ACJIC**

An individual may Challenge or Appeal any portion of his or her own Criminal History Record Information (CHRI) maintained by the Alabama Criminal Justice Information Center that he or she believes to be **incomplete** or **inaccurate**. This may be requested by completing the *ACJIC Application to Review or Challenge AL Criminal History Record Information* and returning it along with the required documentation to ACJIC within one calendar year of the date of the ACJIC response to the individual's request to review CHRI.

Please ATTACH IN WRITING to this completed application the following information regarding EACH arrest and/or disposition you wish to challenge:

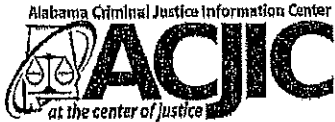
1. The charge and DATE of each specific arrest or disposition being challenged;
2. The Name of the ARRESTING AGENCY OR COURT for each arrest or disposition being challenged;
3. A listing of each specific arrest or disposition being challenged;
4. The details related to why each specific arrest is incorrect or incomplete;
5. What the applicant believes to be the correct information for each arrest or disposition being challenged;
6. Where the applicant obtained what he/she believes to be the correct supporting information (if applicable); and
7. Official documentation from the arresting agency or court (if applicable) to support each arrest or disposition being challenged.

Please mail your completed application, along with the required documentation to:

Alabama Criminal Justice Information Center  
 P.O. Box 300660  
 Montgomery, Alabama 36130-0660  
 ATTN: Director

The ACJIC *Application to Review or Challenge AL Criminal History Record Information* will be reviewed by an ACJIC official, along with the documentation provided. The applicant will be notified as promptly as possible of the results of the challenge and you may appeal a decision that is unsatisfactory to you according to the procedures established by the ACJIC Commission.

**Questions?** Contact the Alabama Criminal Justice Information Center's Crime Statistics and Information Division by calling **334-517-2450**. ACJIC's normal business hours are Monday through Friday, from 8:00 a.m. until 5:00 p.m. Central Standard Time (CST).

<p><b>Appendix B – Chapter 265-X-2</b></p> <p>Alabama Criminal Justice Information Center</p> 	<p align="center"><b>Applicant Instructions</b></p> <p align="center"><b>For completing the ACJIC Application to Review or Challenge Alabama Criminal History Record Information</b></p>
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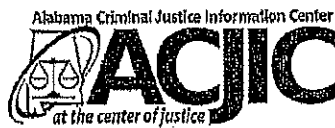
In order for your request to review, challenge or appeal your Alabama criminal history record information to be processed by the Alabama Criminal Justice Information Center (ACJIC), you must complete the *ACJIC Application to Review or Challenge AL Criminal History Record Information* in accordance with the following instructions:

1. Your application must include **ONE COPY** of at least one of the following forms of your own valid photo identification:
  - a. A valid unexpired United States state-issued photo driver license or photo ID (non-driver) card;
  - b. A valid unexpired United States Active Duty, Retiree or Reservist military ID card (DD Form 2 or 2A);
  - c. A valid unexpired United States Military Dependent ID card (for spouse or children of Active Duty Military personnel);
  - d. A valid unexpired United States Citizenship and Immigration Service Documentation, which may include either:
    - i. Certificate of Naturalization N-550, N-570, N-578; or
    - ii. Certificate of Citizenship N-560, N-561, N-645
  - e. A valid unexpired United States Passport; or
  - f. A valid unexpired Foreign Passport which meets the following requirements:
    - i. A foreign passport must contain a Valid United States Visa or I-94 to be used as a primary proof of identification; or
    - ii. A foreign passport, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if un-translated into English and/or expired.
2. Your application must include the required \$25.00 administrative fee in the form of only a cashier's check or a money order made payable to the "State of Alabama" (*sorry – personal and/or business checks are not accepted*); and
3. Your application must include a classifiable set of your own fingerprints, taken by an authorized law enforcement agency with an FBI-issued Originating Agency Number (ORI).
  - a. The fingerprints accompanying your application should be provided to ACJIC on an official FBI-approved "Applicant" fingerprint card or a FBI-approved AFIS printout of an official "Applicant" fingerprint card (i.e., FBI blue card) collected by an approved law enforcement agency with a valid FBI ORI. This permits positive identification and insures that the proper criminal record is reviewed.
  - b. Details for the fingerprinting agency may be found in APPENDIX C.
4. If your application includes a **CHALLENGE** of any part of your CHRI maintained by ACJIC, **PART II** of the application must include, at a minimum:
  - a. The charge and DATE of each specific arrest or disposition being challenged;
  - b. The Name of the ARRESTING AGENCY OR COURT for each arrest or disposition being challenged;
  - c. A listing of each specific arrest or disposition being challenged;
  - d. The details related to why each specific arrest is incorrect or incomplete;
  - e. What the applicant believes to be the correct information for each arrest or disposition being challenged;
  - f. Where the applicant obtained what he/she believes to be the correct supporting information (if applicable); and
  - g. Official documentation from the arresting agency or court (if applicable) to support each arrest or disposition being challenged.
5. Your completed request and all of the required documentation should be mailed to:
 

Alabama Criminal Justice Information Center  
 P.O. Box 300660  
 Montgomery, Alabama 36130-0660  
 ATTN: Director

Please allow a minimum of 5-10 business days from the date the application is received by ACJIC for ACJIC to process your request for review. Requests to Challenge CHRI information do NOT fall under this timeframe, as they require additional research, contact and verification with the arresting agencies, etc. If you have any questions concerning this procedure, you may contact the Alabama Criminal Justice Information Center by calling (334) 517-2400.

## Appendix C – Chapter 265-X-2



# Instructions for Law Enforcement Official taking the applicant's fingerprints on FBI "Applicant" Fingerprint Card FD-258 (Rev 12-10-07)

In accordance with Alabama law and the procedures established in Section 265-X-2 of the *Alabama Administrative Code*, individual citizens may request and may be provided with classifiable sets of their own fingerprints to accompany a request for his/her own Alabama criminal history record Information (CHRI) from the Alabama Criminal Justice Information Center (ACJIC).

1. One of the requirements for an individual to request their own criminal history record information is that the individual to provide ACJIC with a classifiable set of his or her own fingerprints (taken by an authorized law enforcement agency with an FBI-issued ORI) with his or her application to Review or Challenge his or her own Alabama criminal history. This permits positive identification and insures that the proper criminal record is reviewed and/or challenged.
1. The individual you are fingerprinting should provide proper identification to your agency upon request.
2. The individual's fingerprints should be taken by law enforcement on an FBI "Applicant" Fingerprint Card (i.e. blue card). Please insure that your agency's name and ORI, AND your name and telephone number, are included on the completed fingerprint card. A sample of the FBI "Applicant" Fingerprint Card FD-258 (Rev 12-10-07) for your reference purposes is provided below.

3. Please return the completed fingerprint card to the applicant, as it is the APPLICANT's responsibility to mail the completed CHRI request form, along with his/her own fingerprint card and the other required documents to:  
*Alabama Criminal Justice Information Center  
P.O. Box 300660  
Montgomery, Alabama 36130-0660, ATTN: Director*
4. If you have any questions, please call the Crime Statistics and Information Division of the Alabama Criminal Justice Information Center at (334) 517-2450. To request blank FBI APPLICANT cards, your law enforcement agency may contact the FBI's Identification and Investigative Services Section's Customer Service Group at (304) 625-5590 or by e-mail at [lialson@leo.gov](mailto:lialson@leo.gov).

State of Alabama Unified Judicial System Form CR-65 7/2014	<b>PETITION FOR EXPUNGEMENT OF RECORDS</b>	Case No. <u>DC-2013-001434</u>
--	--	--------------------------------

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA  
*(Name of County)*

☒ STATE OF ALABAMA v. BURTON W. NEWSOME,  
 Defendant/Petitioner

☐ MUNICIPALITY OF \_\_\_\_\_ v. \_\_\_\_\_,  
 Defendant/Petitioner *(Name of Municipality)* *(Name)*

CASE NUMBER DC-2013-001434

CHARGE MENACING

\_\_\_\_\_  
*(Name or Describe the Offense; Only One Offense per Petition)*

---

I, the above-named Defendant/Petitioner, was charged with the above-named Offense which is

☒ a misdemeanor criminal offense,  
☐ a violation,  
☐ a traffic violation,  
☐ a municipal ordinance violation,  
☐ a non-violent felony.

I hereby file this petition with the circuit court in order to have the records relating to the above charge expunged for one of the following circumstances:

☒ The charge was dismissed with prejudice.

☐ The charge was not billed by a grand jury.

☐ I was found not guilty of the charge.

☐ *(Non-felony only)* The charge was dismissed without prejudice more than two years ago and was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years.

☐ *(Non-violent Felony only)* The charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court, or any court-approved deferred prosecution program after one year from successful completion of the program.

State of Alabama Unified Judicial System Form CR-65 7/2014	<b>PETITION FOR EXPUNGEMENT OF RECORDS</b>	Case No. <u>DC-2013-001434</u>
--	--	--------------------------------

☐ (Non-violent Felony only) The charge was dismissed without prejudice more than five years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous five years.

☐ (Non-violent Felony only) Ninety days have passed from the date of dismissal with prejudice, no-bill, acquittal, or nolle prosequi and the charge has not been refiled.

Attached to this petition is a certified record of arrest, disposition, or the case action summary from the appropriate agency for the court record I seek to have expunged, as well as a certified official criminal record obtained from the Alabama Criminal Justice Information Center.

I am providing the following additional information as required by Act # 2014-292 (codified at Ala. Code 1975, § 15-27-1 et seq.):  
I was charged with menacing and a warrant was issued for my arrest. On May 2, 2014, I was arrested by a Shelby County Deputy and booked into Shelby County Jail.

---

*(specify what criminal charges from the record are to be considered, further specify the agency or department that made the arrest and any agency or department where the petitioner was booked or was incarcerated or detained pursuant to the arrest or charge sought to be expunged).* Further, I have satisfied and paid in full all terms and conditions, including court ordered restitution, including interest, to any victim or the Alabama Crime Victims Compensation Commission, as well as court costs, fines, or statutory fees ordered by the sentencing court to have been paid, absent a finding of indigency by the court.

I swear or affirm, under the penalty of perjury, that I have satisfied the requirements set out in Act # 2014-292 (codified at Ala. Code 1975, § 15-27-1 et seq.) that I ☒ have not ☐ have previously applied for an expungement in any other jurisdiction, specifically \_\_\_\_\_

\_\_\_\_\_ and, if I have applied for an expungement in any other jurisdiction, the expungement was previously ☐ granted ☐ denied.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner

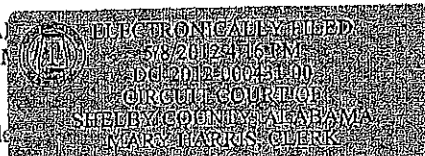
SWORN TO AND SUBSCRIBED BEFORE ME:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Person Authorized to Administer Oaths



## IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA v. Alfred SetcoTRIAL  
(MISDEMEANOR)This matter comes before the Court for trial on a complaint against the Defendant for the misdemeanor of Meno Crim

Meno Crim in violation of Section 13A-6-23. Defendant has been duly advised of all relevant constitutional, substantive and procedural rights in this matter, including the right to appeal the judgment of this court, is ✓ represented by counsel: Benny Alvis and has NOT waived the right to the same. The facts in this matter are NOT stipulated.

After hearing all the evidence and arguments duly presented, THE COURT FINDS THE DEFENDANT ✓ GUILTY ✓ AS CHARGED, OR \_\_\_\_\_.

The Defendant is hereby SENTENCED to a term of 30 days (at hard labor if allowed by law) for Shelby County, Alabama, which will ✓ be suspended for 24 mos. Suspended Sentence will be supervised by Shelby County Community Corrections. Supervision will last until all ordered programs are complete and all ordered costs are paid. The Defendant will be awarded all entitled JAIL TIME CREDIT. Said sentence will NOT run concurrently with that imposed in Any other case. The Defendant also is ordered to pay the following amounts by the dates given below.

\$ \_\_\_\_\_ in further RECOUPEMENT to the Fair Trial Tax Fund by: \_\_\_\_\_  
 \$ 238 in COURT COSTS by: \_\_\_\_\_  
 \$ 20 in JAIL HOUSING COSTS by: \_\_\_\_\_ AND ALL MEDICAL EXPENSES incurred while in jail.  
 \$ 25 to the CRIME VICTIMS COMPENSATION FUND by: \_\_\_\_\_  
 \$ 50 as a FINE by: \_\_\_\_\_  
 \$ \_\_\_\_\_ in RESTITUTION to: \_\_\_\_\_ by: \_\_\_\_\_  
 \$ \_\_\_\_\_ as ADDITIONAL FEES in accord with ALABAMA CODE §36-18-7(a) and § 12-19-181 by: \_\_\_\_\_  
 \$ 333 TOTAL DUE by: within 40 days

All payments must be made to the COURT CLERK by cash, money order, or certified check, paid at the Shelby County Courthouse or mailed to: P.O. BOX 1810, COLUMBIANA, AL. 35051. The Defendant shall put the above case number on all payments and keep all receipts. The Defendant shall pay these amounts as ordered, including supervision fees, and complete the tasks otherwise ordered, and comply with all the provisions checked below as conditions of any suspended sentence, probation, parole, work release, SIR or any other similar program. Failure to pay or perform by the dates given may result in the revocation of any probation and the reinstatement of any sentence which was originally suspended in this case.

- (✓) Obey all laws and ordinances and, in so far as possible, maintain a full time job or full time student status.  
 (✓) Avoid any and all contact with: Burt Newsum, his residence or place of business.  
 ( ) Serve \_\_\_\_\_ consecutive days (at hard labor if allowed by law) in the Shelby County Jail \_\_\_\_\_ and Jail Time Credit will \_\_\_\_\_ be applied toward this portion of the sentence.  
 ( ) Serve \_\_\_\_\_ days at the Shelby County Work Release Center, each day to be served from 8:00 A.M. to 4:00 P.M. on the following days: \_\_\_\_\_ Defendant is ordered to pay \$25.00 fee for each day of service at the Center, which is to be paid daily when Defendant arrives at the Center.  
 ( ) Complete \_\_\_\_\_ hours of community service and give the Court proof of the same by: \_\_\_\_\_  
 ( ) Complete a Defensive Driving Course, \_\_\_\_\_ and provide proof of completion to the Court by: \_\_\_\_\_  
 ( ) Report to and successfully complete a drug and/or alcohol treatment program as directed by the CRO and appear in court to provide proof of the same on: \_\_\_\_\_ at \_\_\_\_\_. Defendant shall \_\_\_\_\_ pay for the program.  
 ( ) The Defendant's driver's license/privilege shall be suspended for \_\_\_\_\_ months from the date of judgment.  
 ( ) \_\_\_\_\_

## ORDER OF COURT

The Defendant has 14 DAYS to perfect any appeal. Appeal bond is set at \$ 2,000. Any fines, fees, costs, etc., not specifically taxed herein, are hereby remitted. The Court Clerk shall furnish a copy of this order to Defendant.

DONE AND ORDERED: 05-08-12

Ronald E. Jackson  
 HONORABLE RONALD E. JACKSON, DISTRICT JUDGE

A COPY OF THIS ORDER PROVIDED TO DEPT. THIS DATE BY: REJ

THIS SIDE OF FORM IS CONFIDENTIAL UNLESS RELEASED AT THE  
DISCRETION OF THE CHIEF LAW ENFORCEMENT OFFICER

Incident/Offense Report - Continued		83 Date of Report (MM/DD/YY) 01/30/12		84 Time of Report 17:25		85 Agency Case Number 201200795		86 Suffix		87 <input type="checkbox"/> Offender <input type="checkbox"/> Check if Multiple <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Missing Person	
88 Reported By (Last, First, Middle Name) NEWSOME, BURTUN WHEELER				89 Suffix		90 <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident		91 Home Phone 205-699-8511		92 Work Phone 205-667-6579	
94 Victim # 1		95 Victim (Last, First, Middle Name) NEWSOME, BURTUN WHEELER		96 Suffix		97 Address (Street, City, State, Zip) 7450 DUNHAVANT VALLEY RD, HEADS, AL 35094		98 Home Phone 205-699-8511		99 Work Phone 205-667-6579	
101 Employer/School NEWSOME LAW FIRM		102 Occupation ATTORNEY		103 Address (Street, City, State, Zip) 194 NARROWS DR, SUITE 103 BHAM, AL 35242		104 Work Phone 205-747-1970		105 Other Phone			
108 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		107 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		106 English <input checked="" type="checkbox"/> Spanish <input type="checkbox"/> Other		109 HGT 5'08"		110 WGT 180		111 Date of Birth 09/04/44	
112 Age 45		113 Victim SSN 255-27-7001		114 Complainant SSN		115 Injury <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		116 Offender known to victim? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		117 Victim was? (Explain Relationship) BUSINESS ASSOCIATE	
118 Multiple Victims <input type="checkbox"/> LE Officer		119 Multiple Offenders <input type="checkbox"/> Other		120 Relationship Code		121 Weapons Used <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife		122 Description of Weapons/Firearms/Tools Used in Offense Describe: UNK. TYPE OF FIREARM		123 Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Unknown	
124 Place of Occurrence 194 NARROWS DRIVE BHAM, AL 35242		125 Circumstances: <input checked="" type="checkbox"/> Homicide & Assault		126 Assault <input type="checkbox"/> Simple <input type="checkbox"/> Aggravated		127 Treatment for Assault? <input type="checkbox"/> Yes <input type="checkbox"/> No		128 Verify for Rape Exam? <input type="checkbox"/> Yes <input type="checkbox"/> No		129 Treatment for Rape? <input type="checkbox"/> Yes <input type="checkbox"/> No	
130 Off # 1		131 Name (Last, First, Middle) SEIER, ALFRED WALLACE		132 SFX		133 Alias		134 Social Security # 421-44-3471		135 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	
136 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		137 HGT 6'2"		138 WGT 190		139 Date of Birth 03/07/35		140 Age 76		141 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	
142 Probable Destination		143 Eye BRO		144 Hair GRY		145 Complexion MED		146 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		147 Weapon	
148 Clothing		149 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		150 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		151 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		152 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		153 Date of Birth 03/07/35	
154 Off # 1		155 Name (Last, First, Middle) SEIER, ALFRED WALLACE		156 SFX		157 Alias		158 Social Security # 421-44-3471		159 HGT 6'2"	
160 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		161 HGT 6'2"		162 WGT 190		163 Ethnicity <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		164 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		165 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
166 Probable Destination		167 Eye BRO		168 Hair GRY		169 Complexion MED		170 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		171 Weapon	
172 Clothing		173 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		174 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		175 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		176 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		177 Date of Birth 03/07/35	
178 Name (Last, First, Middle) SEIER, ALFRED WALLACE		179 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		180 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		181 Date of Birth 03/07/35		182 Age 76		183 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	
184 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		185 HGT 6'2"		186 WGT 190		187 Ethnicity <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		188 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		189 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
190 Probable Destination		191 Eye BRO		192 Hair GRY		193 Complexion MED		194 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		195 Weapon	
196 Clothing		197 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		198 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		199 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		200 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		201 Date of Birth 03/07/35	
202 Name (Last, First, Middle) SEIER, ALFRED WALLACE		203 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		204 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		205 Date of Birth 03/07/35		206 Age 76		207 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	
208 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		209 HGT 6'2"		210 WGT 190		211 Ethnicity <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		212 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		213 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
214 Probable Destination		215 Eye BRO		216 Hair GRY		217 Complexion MED		218 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		219 Weapon	
220 Clothing		221 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		222 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		223 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		224 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		225 Date of Birth 03/07/35	
226 Name (Last, First, Middle) SEIER, ALFRED WALLACE		227 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		228 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		229 Date of Birth 03/07/35		230 Age 76		231 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	
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238 Probable Destination		239 Eye BRO		240 Hair GRY		241 Complexion MED		242 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		243 Weapon	
244 Clothing		245 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		246 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		247 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		248 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		249 Date of Birth 03/07/35	
250 Name (Last, First, Middle) SEIER, ALFRED WALLACE		251 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		252 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		253 Date of Birth 03/07/35		254 Age 76		255 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	
256 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		257 HGT 6'2"		258 WGT 190		259 Ethnicity <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		260 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		261 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
262 Probable Destination		263 Eye BRO		264 Hair GRY		265 Complexion MED		266 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		267 Weapon	
268 Clothing		269 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		270 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		271 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		272 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		273 Date of Birth 03/07/35	
274 Name (Last, First, Middle) SEIER, ALFRED WALLACE		275 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		276 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		277 Date of Birth 03/07/35		278 Age 76		279 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	
280 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		281 HGT 6'2"		282 WGT 190		283 Ethnicity <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		284 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		285 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
286 Probable Destination		287 Eye BRO		288 Hair GRY		289 Complexion MED		290 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		291 Weapon	
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328 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		329 HGT 6'2"		330 WGT 190		331 Ethnicity <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		332 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		333 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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376 Address (Street, City, State, Zip) 2091 BETHEL ROAD DORA, AL 35962		377 HGT 6'2"		378 WGT 190		379 Ethnicity <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		380 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		381 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
382 Probable Destination		383 Eye BRO		384 Hair GRY		385 Complexion MED		386 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		387 Weapon	
388 Clothing		389 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		390 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		391 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		392 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		393 Date of Birth 03/07/35	
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412 Clothing		413 Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations		414 Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted <input checked="" type="checkbox"/>		415 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		416 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		417 Date of Birth 03/07/35	
418 Name (Last, First, Middle) SEIER, ALFRED WALLACE		419 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		420 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		421 Date of Birth 03/07/35		422 Age 76		423 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	
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## Incident / Investigation Report

OCA: 2012-00795

Shelby County Sheriff's Office

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown									
D R U G S	Status	Quantity	Type Measure	Suspected Drug Type					
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer		Offender 1 SU1 Age: 76 Race: W Sex: M		Offender 2 Age: Race: Sex:		Offender 3 Age: Race: Sex:		Primary Offender Resident Status <input type="checkbox"/> Resident <input checked="" type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown
			Offender 4 Age: Race: Sex:		Offender 5 Age: Race: Sex:		Offender 6 Age: Race: Sex:		
S U S P E C T	Name (Last, First, Middle) Seier, Alfred Wallace						Home Address		
	SU1 Also Known As						7091 Bethel Road, Dora, AL 35062		
	Occupation				Business Address				
	DOB, / Age		Race	Sex	Hgt	Wgt	Build	Hair Color Gray Or...	Eye Color Brown
	5/7/1935 76		W	M	6'02	190			
							Hair Style	Hair Length	Glasses
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)								
	Hat		Shirt/Blouse			Coat/Suit			Socks
	Jacket		Tie/Scarf			Pants/Dress/Skirt			Shoes
	Was Suspect Armed?		Type of Weapon				Direction of Travel		Mode of Travel
VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin			
Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Type:					
W I T N E S S	Name (Last, First, Middle)				D.O.B.	Age	Race	Sex	
	Home Address				Home Phone		Employer	Phone	
N A R R A T I V E	MR. NEWSOME STATED THAT HE WAS WALKING TO HIS VEHICLE AND SAW SOMEONE WALKING TOWARDS HIM. MR. NEWSOME THEN RECOGNIZED THE PERSON TO BE ALFRED SEIER. ALFRED TOLD MR. NEWSOME THAT THIS WAS THE LAST TIME HE WAS GOING TO FUCK HIS WIFE OVER AND THEN POINTED AN UNK. TYPE FIREARM AT HIM. MR. NEWSOME THEN RAN AROUND THE BUILDING AND INTO HIS OFFICE. MR. SEIER WAS GONE PRIOR TO MY ARRIVAL.								
	MR. NEWSOME IS AN ATTORNEY FOR A BANK THAT IS SUING AL'S WIFE.								

## IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

## DISMISSAL &amp; RELEASE ORDER

STATE OF ALABAMA V. Burton Wheeler Newsome CASE NO. DC 2013-1434

This matter comes before the Court by the specific AGREEMENT of the parties. The Defendant is ☒ present, is ☒ represented by counsel and has NOT knowingly and voluntarily waived the right to the same. After due consideration and pursuant to said agreement, all of the following as specifically noted below is hereby ORDERED, ADJUDGED and DECREED.

- ( ) This matter is Dismissed with \_\_\_\_\_ prejudice, 9:00  
 (X) This matter is Contingued until 4/01/14 then to be Dismissed with ☒ prejudice, provided that the defendant have no further incidents/arrests  
 ( ) This matter is placed on the Administrative Docket until \_\_\_\_\_, then to be Dismissed with \_\_\_\_\_ prejudice, provided that \_\_\_\_\_  
 ( ) **DEFENDANT MUST APPEAR IN COURT ON THE ABOVE DATE.**

## COURT COSTS ARE TAXED AS FOLLOWS:

\$ \_\_\_\_\_ in further Recoupment to the Fair Trial Tax Fund  
 \$ 308.00 in Court Costs including \$100.00 Bail Bond Fee  
 \$ 20.00 as Jail Housing Costs and all jail Medical Expenses  
 \$ 25.00 to the Crime Victims' Compensation Fund  
 \$ \_\_\_\_\_ to the Forensic Science Trust Fund (Act No. 93-733 does \_\_\_\_\_ apply)  
 \$ \_\_\_\_\_ in Restitution to \_\_\_\_\_  
 \$ \_\_\_\_\_ as Worthless Check Cost (IWC # \_\_\_\_\_)

✓ \$ 413.00 TOTAL to be deducted from Cash Bond

PAYMENT MAY BE MADE BY CERTIFIED CHECK, MONEY ORDER, OR IF IN PERSON BY CASH TO COURT CLERK, P.O. BOX 1810, COLUMBIANA, AL. 35051. THE ABOVE CASE NUMBER SHOULD APPEAR ON ALL PAYMENTS. NOTE: IF THE DEFENDANT FAILS TO MAKE SUCH PAYMENTS AND FAILS TO APPEAR IN COURT ON THE ABOVE DATES SHOWN, THIS MATTER WILL NOT BE DISMISSED AND AN ARREST WARRANT AND BOND FORFEITURE CAN BE ISSUED FOR THE DEFENDANT.

The Defendant does hereby grant a full, complete and absolute Release of all civil and criminal claims stemming directly or indirectly from this case to the State of Alabama, its agents and employees, including, but not limited to the District Attorney for Shelby County, Alabama, his agents and employees; to Shelby County, Alabama, its agents and employees, including, but not limited to the Sheriff of said County, his agents and employees, to any other law enforcement or investigative agencies, public or private, their agents and employees; to any other complainants, witnesses, associations, corporations, groups, organizations or persons in any way related to this matter, to also include the Office of the Public Defender of Shelby County, Alabama, its agents and employees, from any and all actions arising from the instigation, investigation, prosecution, defense, or any other aspect of this matter. The Defendant freely makes this release knowingly and voluntarily. In exchange for this release, this case will be either dismissed immediately, or pursuant to conditions noted above.

ANY FEES OR COSTS NOT SPECIFICALLY TAXED ABOVE ARE HEREBY REMITTED.

The foregoing duly reflects the Agreement of the parties as entered above and as attested by their signatures below

[Signature]  
 Complaining Witness

[Signature]  
 District Attorney

[Signature]  
 Defendant

[Signature]  
 Defendant's Attorney

Done and ordered: 11-12-13

[Signature]  
 DISTRICT JUDGE (SHELBY COUNTY)

**NEWSOME LAW, L.L.C.**

BURT W. NEWSOME  
ATTORNEY AT LAW

194 NARROWS DRIVE, SUITE 103 (35242)  
POST OFFICE BOX 382753  
BIRMINGHAM, ALABAMA 35238

TELEPHONE (205) 747-1970  
FACSIMILE (205) 747-1971

Writer's Direct Dial: 747-1972  
Email: [burt@newsomclawllc.com](mailto:burt@newsomclawllc.com)  
Website: [www.newsomclawllc.com](http://www.newsomclawllc.com)

John Bullock, Jr.  
1917 Cogswell Avenue  
Pell City, AL 35125

Dear Mr. Bullock:

This letter is in explanation of the events that occurred in which you subsequently filed a police report. My law firm is a collection/foreclosure law firm. We have received several death threats during the bad economy. A short time before our meeting, an individual whose wife I had sued on a bad debt was parked in backwards near my car and jumped out and pulled a gun on me and threatened to kill me in the parking lot as I was about to get in my car. I was only able to escape by ducking behind my car and running around the backside of the office complex. In addition, there was a subsequent attack on my office by a retired postal employee who we had initiated foreclosure proceedings against in which the Sheriff's Department had to be called again for assistance.

On the day this incident occurred, your vehicle was parked in backwards with the motor running and you got out of your car just as I was nearing my car -- actions that all mimicked the evening I was attacked placing me in fear of extreme bodily harm. I was preparing to defend myself in the event of another attack on me similar to the one that had just occurred in the same parking lot not long ago. I certainly never had any intent to harm anyone nor did I have any intent of appearing threatening to anyone in any way.

Sincerely,



Burt W. Newsome



ELECTRONICALLY FILED  
4/4/2014 2:58 PM  
58-DC-2013-001434.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA	)	
	)	
V.	)	Case No.: DC-2013-001434.00
	)	
NEWSOME BURTON WHEELER	)	
Defendant,	)	

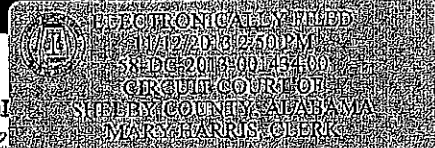
ORDER

Pursuant to earlier written agreement, with no objection by A.D.A. Willingham, this case is  
DISMISSED with prejudice. Apply cash bond.

DONE this 4<sup>th</sup> day of April, 2014,

/s/ RONALD E. JACKSON  
DISTRICT JUDGE (amh)

IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA



STATE OF ALABAMA V. Burton Wheeler Newsome CASE NO. DC-2013-1434  
 This matter comes before the Court by the specific AGREEMENT of the parties. The Defendant is ☒ present, is ☒ represented by counsel and has NOT knowingly and voluntarily waived the right to the same. After due consideration and pursuant to said agreement, all of the following as specifically noted below is hereby ORDERED, ADJUDGED and DECREED.

- ( ) This matter is Dismissed with \_\_\_\_\_ prejudice, 9:00  
 (X) This matter is Continued until 4/01/14 then to be Dismissed with ☒ prejudice, provided that the defendant have no further incidents/arrests  
 ( ) This matter is placed on the Administrative Docket until \_\_\_\_\_, then to be Dismissed with \_\_\_\_\_ prejudice, provided that \_\_\_\_\_  
 ( ) DEFENDANT MUST APPEAR IN COURT ON THE ABOVE DATE.

COURT COSTS ARE TAXED AS FOLLOWS:

\$ \_\_\_\_\_ in further Recoupment to the Fair Trial Tax Fund  
 \$ 308.00 in Court Costs including \$102.00 Bail Bond Fee  
 \$ 22.00 as Jail Housing Costs and all jail Medical Expenses  
 \$ 250.00 to the Crime Victims' Compensation Fund  
 \$ \_\_\_\_\_ to the Forensic Science Trust Fund (Act No. 93-733 does \_\_\_\_\_ apply)  
 \$ \_\_\_\_\_ in Restitution to \_\_\_\_\_  
 \$ \_\_\_\_\_ as Worthless Check Cost (IWC # \_\_\_\_\_)

\$ 413.00 TOTAL to be deducted from Cash Bond

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The Defendant does hereby grant a full, complete and absolute Release of all civil and criminal claims stemming directly or indirectly from this case to the State of Alabama, its agents and employees, including, but not limited to the District Attorney for Shelby County, Alabama, his agents and employees; to Shelby County, Alabama, its agents and employees, including, but not limited to the Sheriff of said County, his agents and employees, to any other law enforcement or investigative agencies, public or private, their agents and employees; to any other complainants, witnesses, associations, corporations, groups, organizations or persons in any way related to this matter, to also include the Office of the Public Defender of Shelby County, Alabama, its agents and employees, from any and all actions arising from the instigation, investigation, prosecution, defense, or any other aspect of this matter. The Defendant freely makes this release knowingly and voluntarily. In exchange for this release, this case will be either dismissed immediately, or pursuant to conditions noted above.

ANY FEES OR COSTS NOT SPECIFICALLY TAXED ABOVE ARE HEREBY REMITTED.

The foregoing duly reflects the Agreement of the parties as entered above and as attested by their signatures below.

[Signature] [Signature] [Signature] [Signature]  
 Complainant's Witness District Attorney Defendant Defendant's Attorney

Done and ordered: 11-12-13

[Signature]  
 DISTRICT JUDGE (SHELBY COUNTY)

D&RORDER(3-11-05)



IN THE District COURT OF SHELBY COUNTY, ALABAMA  
STATE OF ALABAMA V. NEWSOME, BU, JR

CONSOLIDATED BOND  
CASE NO. WR 13-0171

I, the Defendant as principal and we, the undersigned sureties agree to pay the State of Alabama \$ 500.00 and all costs incurred unless the above-named Defendant appears before the District Court of Shelby County, Alabama at 9:30 o'clock A M on May 20, 2013 and from time to time thereafter until discharged by law or at the next session of the court of said county, there to await the action the grand jury and from session to session thereafter to answer to the charge of MURDERING or any other charge as authorized by law

We hereby severally certify that we have property over and above all debts and liabilities that has a fair market value equal to or greater than the amount of the above bond. Each of us hereby waives the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, our rights to claim exempt our wages or salary; and our rights to homestead exemptions conferred by the Constitution and/or the Laws of the State of Alabama.

It is hereby agreed and understood that this is a consolidated bond, eliminating the necessity for multiple bonds and that it shall continue in full force and effect, unless modified by Court Order, until the Defendant is discharged by law or until the undersigned sureties are otherwise duly exonerated. This bond does not apply to any appeal. It is also agreed and understood that all of the following shall serve as specific conditions of release under this bond, the willful failure of which will cause this bond to be revoked and the sureties thereby held liable THE DEFENDANT SHALL:

1. Appear and answer and submit to the orders and process of any court having jurisdiction in this matter;
2. Refrain from committing any criminal offense;
3. Not depart from the State of Alabama without permission of the Court;
4. Immediately notify the Court Clerk of any change of address;
5. Initiate no contact or communication in any form with the complainant(s) and/or alleged victim(s), nor be upon their premises;
6. Make all payments to the Alabama Fair Trial Tax Fund as ordered by the Court;
- 7.

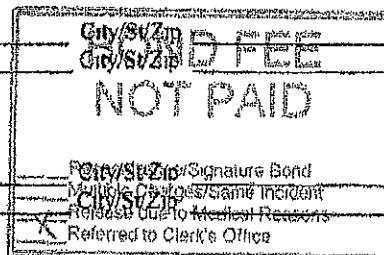
SIGNED AND SEALED, with notice that false statements made herein are punishable as perjury

[Signature]  
Defendant's Signature  
Phone 205-669-8511  
Mailing Address 7450 41 Hwy City/St/Zip Leeds AL 36094  
Physical Address \_\_\_\_\_ City/St/Zip \_\_\_\_\_  
Race W Sex M DOB 9/4/66 SSN 255-27-7001 DL# 9303132 STATE AL

\_\_\_\_\_  
Surety's Signature  
Phone \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City/St/Zip \_\_\_\_\_  
Physical Address \_\_\_\_\_ City/St/Zip \_\_\_\_\_

\_\_\_\_\_  
Surety's Signature  
Phone \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City/St/Zip \_\_\_\_\_  
Physical Address \_\_\_\_\_ City/St/Zip \_\_\_\_\_

\_\_\_\_\_  
Surety's Signature  
Phone \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City/St/Zip \_\_\_\_\_  
Physical Address \_\_\_\_\_ City/St/Zip \_\_\_\_\_



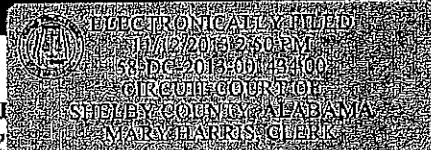
DATE APPROVED 5/2/13 OFFICER R B 8413 SHERIFF C Curry  
[ ] Property Bond [ ] Professional Bond [X] Secured/Cash Bond [ ] Pre-Trial Release [ ] Signature/Recognizance

**(CASH BOND RELEASE)**

I agree that the cash bond which I have posted in this case may be applied to any outstanding fines and costs. I further understand that even though the cash bond may be applied, I AM STILL REQUIRED TO APPEAR IN COURT ON THE ABOVE DATE AND TIME.

DATE. 5/2/13 DEFENDANT'S SIGNATURE [Signature]





IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA V. Burton Wheeler Newsome

CASE NO. DC 2013-1434

This matter comes before the Court by the specific AGREEMENT of the parties. The Defendant is ✓ present, is ✓ represented by counsel and has NOT knowingly and voluntarily waived the right to the same. After due consideration and pursuant to said agreement, all of the following as specifically noted below is hereby ORDERED, ADJUDGED and DECREED.

- ( ) This matter is Dismissed with \_\_\_\_\_ prejudice. 9:00
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- ( ) **DEFENDANT MUST APPEAR IN COURT ON THE ABOVE DATE.**

X **COURT COSTS ARE TAXED AS FOLLOWS:**

\$ \_\_\_\_\_ in further Recoupment to the Fair Trial Tax Fund

\$ 368.00 in Court Costs including \$100.00 Bail Bond Fee

\$ 20.00 as Jail Housing Costs and all jail Medical Expenses

\$ 25.00 to the Crime Victims' Compensation Fund

\$ \_\_\_\_\_ to the Forensic Science Trust Fund (Act No. 93-733 does \_\_\_\_\_ apply)

\$ \_\_\_\_\_ in Restitution to \_\_\_\_\_

\$ \_\_\_\_\_ as Worthless Check Cost (IWC # \_\_\_\_\_)

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The foregoing duly reflects the Agreement of the parties as entered above and as attested by their signatures below.

John H. Blalock  
Complaining Witness

Vonderhilt  
District Attorney

[Signature]  
Defendant

[Signature]  
Defendant's Attorney

Done and ordered: 11-12-13

[Signature]  
DISTRICT JUDGE (SHELBY COUNTY)

## WARRANT

DISTRICT COURT

STATE OF ALABAMA

SHELBY COUNTY

AGENCY NUMBER: 201209077

WARRANT NUMBER: WR 2013 000171.00  
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST BURTON WHEELER NEWSOME AND BRING HIM/HER BEFORE THE DISTRICT COURT OF SHELBY COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

MENACING CLASS: B TYPE: M COUNTS: 001  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.  
YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF \_\_\_\_\_, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 14 DAY OF JANUARY, 2013.

BOND SET AT: (1) \$500.00 BOND TYPE:  
(2)  
(3)CONDITION OF BOND:  
DEFENDANT IS TO HAVE  
NO CONTACT WITH VICTIM

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: MENACING

NAME: BURTON WHEELER NEWSOME  
ADDRESS: 1005 BELVEDERE COVE  
ADDRESS: 194 NARROWS DR STE 103  
CITY: BIRMINGHAM STATE: ALALIAS:  
ALIAS:ZIP: 35242 0000  
PHONE: 000 000 0000 EXT: 000EMPLOYMENT:  
DOB: 09/04/1966 RACE: W SEX: M HAIR: BROWN  
EYE: BRO HEIGHT: 5'08" WEIGHT: 180  
SID: 000000000 SSN: 255277001 DL NUM: 9303132

DATE 1/15/13 AIN/NIC 31502209

WARRANT# 2012-09077  
ENTRY OPR 2013-00400

EXECUTION VERIFIED BY

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(X) PLACING DEFENDANT IN THE SHELBY COUNTY JAIL  
( ) RELEASING DEFENDANT ON APPEARANCE BOND

THIS 2 DAY OF

May 2013

RECEIVED

SHERIFF

JAN 15 2013

BY

Dpt. T. Brown 0176

COMPLAINANT: BULLOCK JOHN FRANKLI

OPERATOR: SRC

DATE: 01/14/2013

## ALABAMA JUDICIAL INFORMATION SYSTEM

\* \* \* IN THE DISTRICT COURT OF SHELBY COUNTY \* \* \*


AGENCY NUMBER: 201209077

WARRANT NUMBER: WR 2013 000171.00  
OTHER CASE NBR:

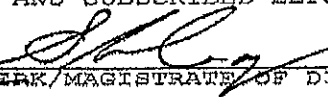
## C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF SHELBY COUNTY; ALABAMA, PERSONALLY APPEARED BULLOCK JOHN FRANKLI WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT BURTON WHEELER NEWSOME DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT 12/19/2012, BY PHYSICAL ACTION, INTENTIONALLY PLACE OR ATTEMPT TO PLACE JOHN FRANKLIN BULLOCK JR IN FEAR OF IMMINENT SERIOUS PHYSICAL INJURY BY AIMING A HANDGUN AT THE VICTIM & TELLING HIM TO RETURN TO HIS VEHICLE  
IN VIOLATION OF 13A-006-023 OF THE CODE OF ALABAMA,  
AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 14 DAY OF JANUARY, 2013.

  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: MENACING

13A-006-023

M MISDEMEANOR

WITNESS FOR THE STATE

BULLOCK JOHN FRANKLI/  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OPERATOR: SRC DATE: 01/14/2013

**Joey Moore**

---

**From:** Cooper, Clark <ccooper@balch.com>  
**Sent:** Wednesday, July 24, 2013 10:50 AM  
**To:** David Agee  
**Subject:** Suit filed by Bryant Bank  
**Attachments:** balch\_logodc4917

Hello David,

I hope you are doing well. I see that the below suit was filed by Newsome. Anything I can do so that I could work with you?

Thanks

Clark

Shelby County  
 Shelby

Bryant Bank  
 v.  
 Landsouth Contractors Inc.  
 7/19/2013 58-CV-13-900835 Conwill  
 (Shelby)

Breach of contract. Defendant

[[image]]

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)<<http://www.balch.com/>>

---

IRS CIRCULAR 230: Unless explicitly stated to the contrary, this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

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**Burt Newsome**

---

**From:** Hamilton, Brian <Brian.Hamilton@iberiabank.com>  
**Sent:** Wednesday, December 11, 2013 3:50 PM  
**To:** Burt Newsome  
**Subject:** FW: Burt Newsome arrested for menacing  
**Attachments:** image001.png; ATT00001.txt

Brian Hamilton  
 Vice President, Business Credit Services IBERIABANK  
 3595 Grandview Parkway, Suite 500  
 Birmingham, Alabama 35243  
 Phone: 205-803-5872  
 Cell: 205-420-2879

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

**From:** Cooper, Clark [<mailto:ccooper@balch.com>]  
**Sent:** Saturday, May 04, 2013 4:30 PM  
**To:** Hamilton, Brian  
**Subject:** Fwd: Burt Newsome arrested for menacing

Have you seen this? Not 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)  
 > ~~~  
 >

Internet Email Confidentiality

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 Thank you.

**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](mailto: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](http://www.good.com))

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

From: Cooper, Clark ([ccooper@balch.com](mailto: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? Not sure how it's going to affect his law license. Bizarro

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) <<mailto:ccooper@balch.com>>  
[www.balch.com](http://www.balch.com) <<http://www.balch.com>>

<image001.png>

**Internet Email Confidentiality**  
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Thank You.



Shelby County Inmates  
NEWSOME, BURTON WHEELER

05/02/2013 05/02/2013

MENACING



Cooper-0003



Cooper, Clark

From: Cooper, Clark  
Sent: Wednesday, January 30, 2013 4:34 PM  
To: 'Hamilton, Brian'  
Subject: RE: Iberia

Ha ha!

From: Hamilton, Brian [mailto:Brian.Hamilton@iberiabank.com]  
Sent: Wednesday, January 30, 2013 4:31 PM  
To: Cooper, Clark  
Subject: RE: Iberia

That what she said.

Brian Hamilton  
Vice President, Business Credit Services  
**IBERIA BANK**  
3595 Grandview Parkway, Suite 500  
Birmingham, Alabama 35243  
Phone: 205-803-5872  
Cell: 205-420-2879

From: Cooper, Clark [mailto:ccooper@balch.com]  
Sent: Wednesday, January 30, 2013 4:31 PM  
To: Hamilton, Brian  
Subject: RE: Iberia

That makes sense. Save me for the bigger ones

Thanks

From: Hamilton, Brian [mailto:Brian.Hamilton@iberiabank.com]  
Sent: Wednesday, January 30, 2013 4:29 PM  
To: Cooper, Clark  
Subject: RE: Iberia

It's a zero balance loan (still a legal balance) where the guarantor filed bankruptcy and has been discharged. We pulled dated files that haven't been touched due to the zero loan balance (no exposure). The company is defunct too. But, we need default judgment out there to make it appealing to a buyer. Hope that makes sense. Burt's contract rate on uncontested default judgments is tough to match.

Brian Hamilton  
Vice President, Business Credit Services  
**IBERIA BANK**  
3595 Grandview Parkway, Suite 500  
Birmingham, Alabama 35243  
Phone: 205-803-5872  
Cell: 205-420-2879

Cooper-0004

Exhibit B

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

**BALCH**  
 A BAKER & BISHOP COMPANY

Clark A. Cooper, Partner, Balch & Bingham LLP  
 1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642  
 t: (205) 226-6762 f: (205) 488-5765 e: ccooper@balch.com  
[www.balch.com](http://www.balch.com)

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 Thank You.

**Internet Email Confidentiality**

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 Thank You.

Cooper, Clark

From: Cooper, Clark  
 Sent: Wednesday, July 24, 2013 10:50 AM  
 To: David Agee  
 Subject: Suit filed by Bryant Bank

Hello David,

I hope you are doing well. I see that the below suit was filed by Newsome. Anything I can do so that I could work with you?

Thanks

Clark

Shelby County  
 Shelby

Bryant Bank

Breach of contract, Defendant

v.  
 Landsouth Contractors Inc,  
 7/19/2013 58-CV-13-900835 Conwill  
 (Shelby)

**BALCH**  
 & BINGHAM LLP

Clark A. Cooper, Partner, Balch & Bingham LLP  
 1903 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642  
 t: (205) 226-8782 f: (205) 488-5765 e: ccooper@balch.com  
[www.balch.com](http://www.balch.com)

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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  
 for default on a loan.

Burt Newsome

**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](mailto:ccooper@balch.com)  
[www.balch.com](http://www.balch.com)

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

**Tab 3**

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**

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

**VS.**

**CLARK ANDREW COOPER et al.,  
Defendants.**

**CASE NO. CV-2015-900190**

**PLAINTIFFS' SUPPLEMENTAL RESPONSE TO DEFENDANT'S FIRST SET OF  
CONSOLIDATED DISCOVERY REQUESTS**

The Plaintiffs submit the following supplemental responses to the Defendant's First Set of Consolidated Discovery Requests to the Plaintiffs. In addition to the Plaintiffs' responses served on or about April 21, 2015, the Plaintiffs further state:

**INTERROGATORIES**

11. Identify all communications to any banking clients which reference or refer to Clark Cooper and/or Balch.

**RESPONSE:** In addition to our original answer, the following is provided, which is limited to emails and conversations referencing Cooper's attempts to solicit business away from the Plaintiffs and information provided by Cooper about Plaintiff, Newsome's, arrest.

Bill Stockton asked the Plaintiff about his arrest. During the conversation, Bill Stockton told Newsome that John Bentley received an email from Cooper regarding Newsome's arrest immediately after the arrest. Both Stockton and Bentley admitted they received the email from Cooper, but claimed it had been deleted.

Newsome initiated a conversation with J. D. May about a month after Newsome's arrest that Cooper was constantly asking for business.

Brian Hamilton and Mark Reiber had lunch with Newsome and advised that Hamilton had received an email from Cooper regarding Newsome's arrest and they were concerned about the impact on Newsome's license to practice law and his ability to continue to represent the bank. Reiber said they did not want to embarrass Newsome, but they had received his mugshot; Brian Hamilton stated he received the mug shot within a week of Newsome's arrest and that it came from Cooper.

Newsome also called Bob Jackson, Head of Special Assets, to discuss the email and his arrests with him in an effort to clear-up concerns about the arrest and Newsome's ability to continue to represent the bank. Jackson was aware of the arrest because of the email sent by Cooper.

Newsome asked Mike Carter and David Agee in separate conversations if they had received an email from Cooper regarding his arrest. Both said they had not.

12. Identify all cases currently being handled, or those that have been handled since 2010 by Burt Newsome or Newsome Law LLC, for Iberiabank Corp., Bryant Bank, and Renasant Bank, and describe the nature of the action, including contacts at each bank.

**RESPONSE:** In addition to our original answer, the following is provided, which is limited to financial damages suffered as a result of the interference with the contractual/business, lawyer-client relationship with Renasant Bank; the Plaintiffs are not claiming loss of business from Bryant Bank or Iberia Bank. However, the Plaintiffs are claiming damages to their reputation, good name and good will.

Newsome has never appeared as counsel for Renasant Bank in any jurisdiction outside of Alabama. The Plaintiff did represent Iberia Bank in one action in the United States Court of Appeals for the Eleventh Circuit; all cases are equally available to the Defendants; refer to general objection.

13. Identify any and all lawsuits where Burt Newsome and/or Newsome Law has been the plaintiff or the defendant.

**RESPONSE:** In addition to our original answer, Defendants, Cooper and Balch already have a list of these lawsuits and Plaintiffs have never appeared as Plaintiff or Defendant in any other lawsuit in any other another state or jurisdiction.

21. Identify any and all revenue earned for legal work performed from 2010 through the present with respect to Iberiabank Corp., Renasant Bank, and Bryant Bank and indicate how much revenue was earned from each bank.

**RESPONSE:** In addition to our original answer, Plaintiffs will provide a breakdown of revenue earned for legal work performed from 2010 through the present with respect to Renasant Bank; Otherwise Plaintiffs assert their general objection.

29. State whether Burt Newsome has had his driver's license suspended, indicating the reason for suspension and the period of time during which the license was suspended.

**RESPONSE:** In addition to our original answer, the Plaintiffs state that Newsome's

driver's license was suspended for a period of 90 days about 22 years ago as a result of speeding tickets resulting in cumulative points under Alabama's point system.

32. List the name and address of each healthcare provider, including but not limited to any physician, nurse practitioner psychiatrist, therapist, or other licensed health professional that Burt Newsome have seen or been treated by in the last 10 years.

**RESPONSE:** In addition to our original answer, Plaintiffs maintain their objection and further state there is no claim for medical damages, mental anguish or emotional damages.

### REQUEST FOR PRODUCTION

2. All non-privileged documents which support a contract, including letter of engagement, of any kind with, Iberiabank Corp., Renasant Bank, and/or Bryant Bank.

**RESPONSE:** In addition to our original answer, the Plaintiffs add there was a flat fee agreement with all banks general based upon the schedule attached hereto as Supplemental Exhibit 1.

12. The face page of any lawsuit you are handling or have previously handled for Iberiabank Corp., Renasant Bank, or Bryant Bank.

**RESPONSE:** In addition to our original answer, the Plaintiff's add that the identical information is equally available to the Defendants through Alacourt and Pacer, as the Plaintiffs have not handled any lawsuits for Iberiabank, Corp., Renasant Bank or Bryant Bank in any jurisdiction other than Alabama State Courts and United States District Courts, Bankruptcy in Alabama and the U. S. Court of Appeals for the Eleventh Circuit.

14. A copy of Carmen Purser's deposition in the matter Carmen Purser v. Wolfe, Jones & Boswell and Burton Newsome, CV-02-B-1023-NE, N.D. Al.

**RESPONSE:** In addition to our original answer, the Plaintiffs state: Newsome understands that C. Purser was deposed, Allstate Insurance hired Mike Burroughs to defend that action, and Plaintiff Newsome does not have a copy of the deposition and never had a copy of the deposition, as such the requested document is equally available to the Defendants from a third party; otherwise general objection.

15. A copy of every Answer filed by Burt Newsome in the matter Carmen Purser v. Wolfe,



Jones & Boswell and Burton Newsome, CV-02-B-1023-NE, N.D. AL

**RESPONSE:** In addition to our original answer, Plaintiff Newsome has no knowledge what was filed. In addition, Plaintiffs assert their general objection and further state this information is equally available to the Defendants from a third party.

16. All tax returns from 2010 through the present.

**RESPONSE:** In addition to our original answer, the Plaintiff objects to production of the requested documents because the Plaintiffs claims for damages are based solely on loss of business from Renasant and damages to Plaintiffs' character, good name and reputation.

18. For each of the eases listed below, provide a copy of the complaint and any amended complaints, all answers filed in the action, all discovery requests and responses related to the action, and any settlement agreements:

**RESPONSE:** In addition to our original answer, Plaintiffs object to production based upon remoteness.

Respectfully submitted this 15<sup>th</sup> day of June, 2015.

  
BURT W. NEWSOME

STATE OF ALABAMA     )

Before me, a Notary Public in and for said State, hereby certify that the BURT W. NEWSOME, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that the facts alleged in the foregoing are true and correct to the best of his knowledge, information and belief on this 15<sup>th</sup> day of June, 2015.

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

LUSK LAW FIRM, LLC  
P. O. Box 1315  
Fairhope, AL 36533  
251-471-8017  
251-478-9601 Fax  
[rlusk@lusklawfirmllc.com](mailto:rlusk@lusklawfirmllc.com)

### CERTIFICATE OF SERVICE

I hereby certify that I have filed electronically and served a copy of the foregoing upon the below listed parties to this action by placing a copy of same in the United States Mail, postage prepaid and properly addressed, this the 15<sup>th</sup> day of June, 2015.

S. Allen Baker  
Amelia K. Steindorff  
Balch & Bingham  
1901 Sixth Avenue North Suite 1500  
Birmingham, AL 35203

James E. Hill, Jr.  
Hill, Weisskopf & Hill  
Moody Professional Bldg  
2603 Moody Parkway, Suite 200  
Moody, Alabama 35004

Robert Ronnlund  
P.O. Box 380548  
Birmingham, AL 35238

/s/ Robert E. Lusk, Jr  
ROBERT E. LUSK, JR. (LUS005)  
Attorney for Plaintiffs

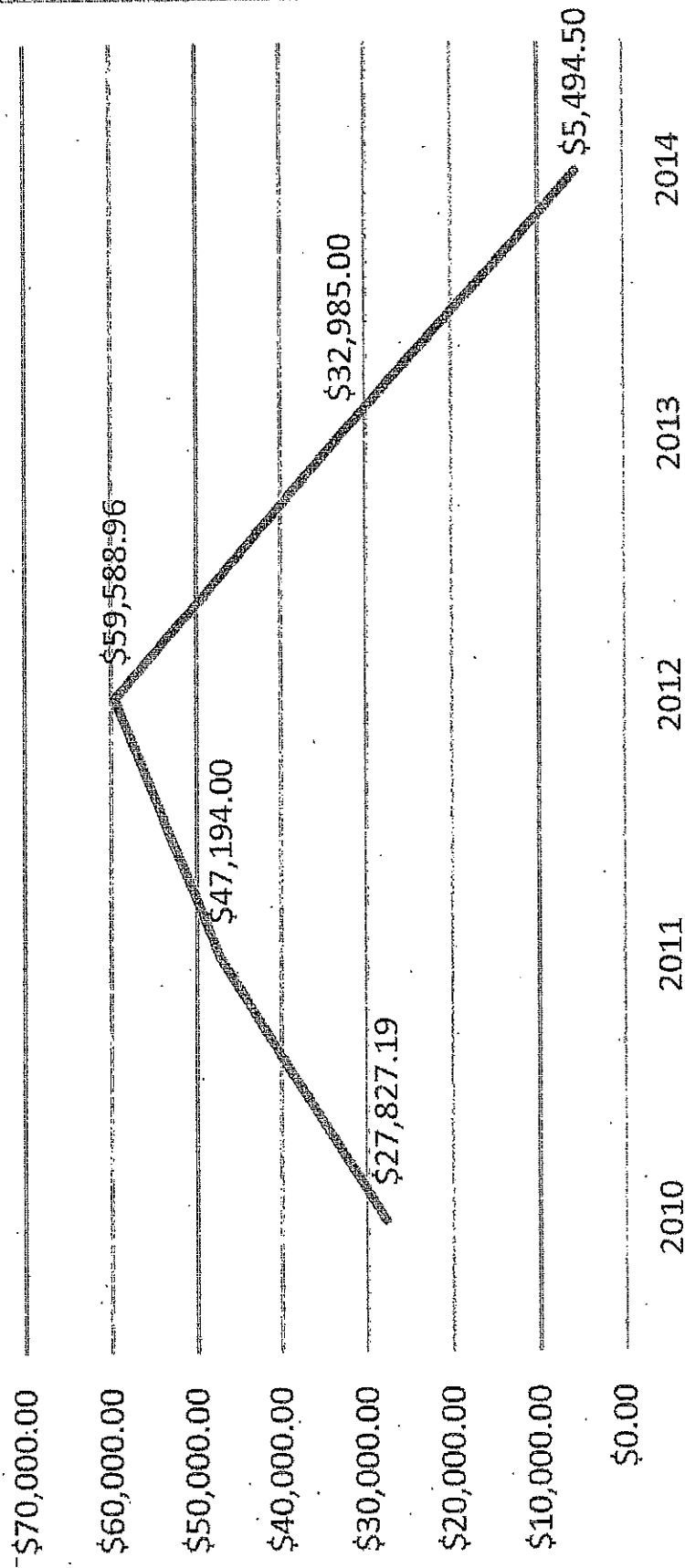
## SUPPLEMENTAL EXHIBIT 1

**2015 NEWSOME LAW, LLC FIXED FEE SCHEDULE**

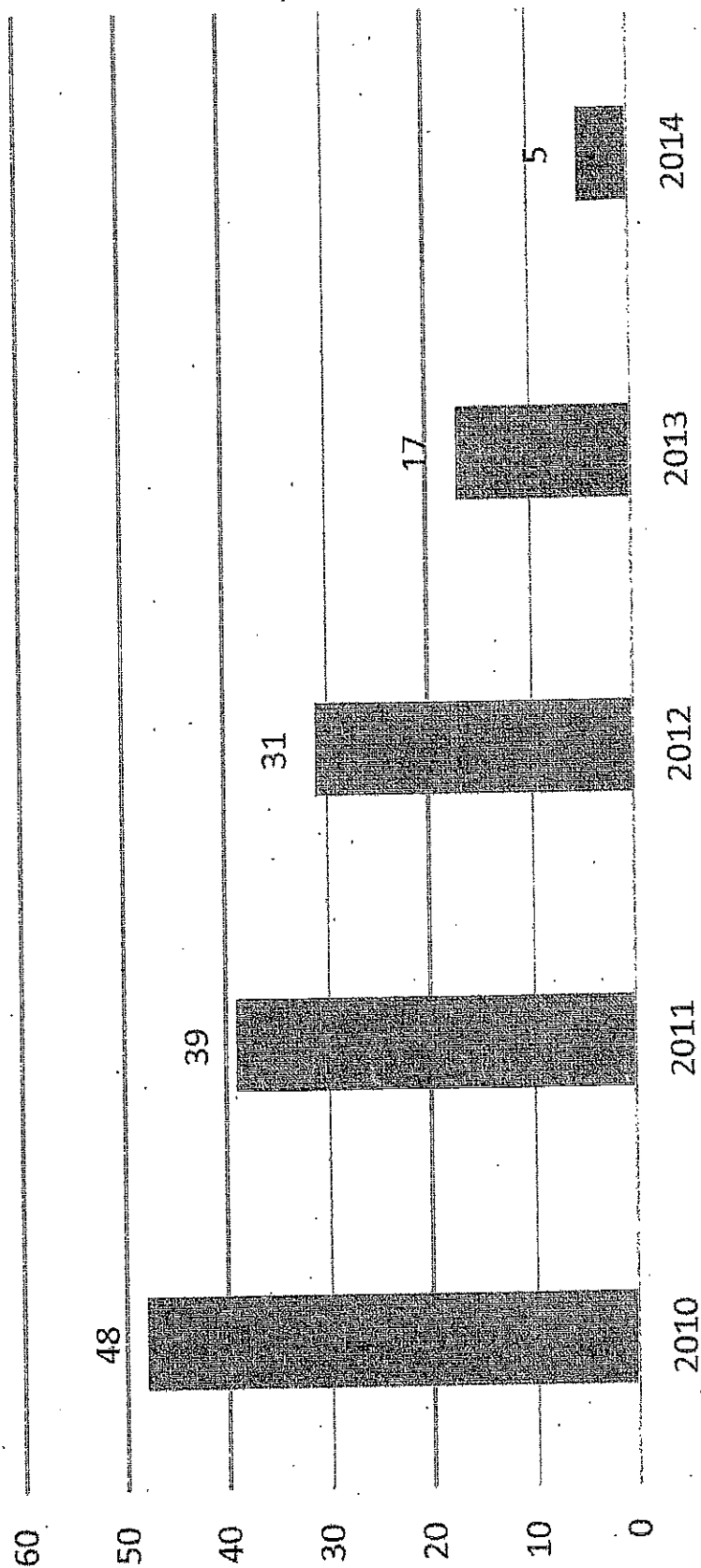
- \$225.00 – Review file and prepare demand letter  
\$95.00 – District Court Cases
- \$845.00 – Prepare acceleration letter, foreclosure notice, foreclosure deed and conduct foreclosure sale
- \$625.00 – Prepare Forbearance Agreement  
\$295.00 – District Court Cases
- \$445.00 – File Complaint against debtor(s) including monetary action and non-monetary action (i.e. detinues and replevins)  
\$195.00 – District Court cases
- \$445.00 – File Default Judgment  
\$195.00 – District Court cases
- \$125.00 – Draft and record Certificate of Judgment
- \$845.00 – File Motion for Summary Judgment and Brief in Support of Summary Judgment Motion (Standard Collection Cases Only)  
\$295.00 – District Court Cases (Standard Collection Cases Only)
- \$475.00 – File Motion for Relief from the Automatic Stay  
Note: The filing fees are \$150.00 for a motion to lift automatic stay.
- \$475.00 – File Objection to Confirmation  
Note: There is no filing fee for an objection to confirmation.
- \$295.00 – Prepare Reaffirmation Agreements
- \$195.00 – File Proof of Claim in Bankruptcy Case
- \$95.00 – Standard Collection Letter
- \$225.00 – File Motion for Protective Order in Response to Subpoena Request for Financial Records

Clients are responsible for payment of all fees and expenses (filing fees, process server fees, mileage, etc.). If a matter becomes a contested matter (i.e. debtor files a counter-claim against client) or is not covered under the above fixed fee schedule, then the file will be handled at an hourly rate of \$255.00. Up to 40% of the outstanding balance of the debt in Attorney Fees will be passed on to the Borrower whenever possible.

# Renasant - Birmingham Yearly Revenue



## Renasant -Birmingham Yearly File Count



# Tab 4

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**

**BURT W. NEWSOME; and NEWSOME  
LAW, LLC**

**Plaintiffs,**

**v.**

**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.**

**CASE NO.: 01-CV-2015-900190.00**

**AFFIDAVIT OF JOHN BENTLEY**

STATE OF ALABAMA     )

JEFFERSON COUNTY     )

John Bentley, being duly sworn, deposes and says:

1. I am employed by Renasant Bank as Regional Area President. I am over the age  
of nineteen (19) years, and I am competent to make this affidavit. The statements set forth in this

Affidavit are true and correct and are made upon my personal knowledge or review of the records related to this matter or from information transmitted by, a person with knowledge of those matters.

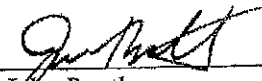
2. I received notification of Burt Newsome's May 2, 2013 arrest from a former Renasant employee, Connie Russell.

3. Ms. Russell told me that she became aware of Newsome's arrest after seeing it on a Shelby County website.

4. I never received an email from Clark Cooper or anyone at Balch & Bingham LLP related to Burt Newsome's May 2, 2013 arrest.

Further Affiant sayeth not.

Dated this 28 day of July, 2015.

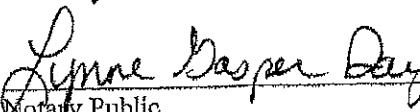
  
John Bentley

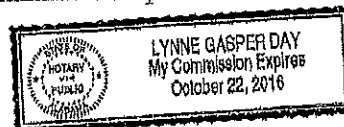
STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned notary public in and for said county in said state, hereby certify that \_\_\_\_\_, John Bentley, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily.

Given under my hand this 28<sup>th</sup> day of July, 2015.

  
Notary Public  
My Commission Expires





# Tab 5

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



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W. NEWSOME; and NEWSOME  
LAW, LLC

Plaintiffs,

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.

CASE NO.: 01-CV-2015-900190.00

**ANSWER, DEFENSES AND COUNTERCLAIM OF CLARK ANDREW  
COOPER AND BALCH & BINGHAM LLP IN RESPONSE TO PLAINTIFF'S  
COMPLAINT**

Defendants, Clark Andrew Cooper ("Cooper") and Balch & Bingham LLP ("Balch"),  
(collectively "Defendants"), answer Plaintiffs Burt W. Newsome's and Newsome Law's, LLC  
(collectively "Newsome") Complaint as follows:

**PARTIES**

1. Defendants admit the allegations asserted in paragraph 1 of Plaintiffs' Complaint.

2. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 2 of the Plaintiffs' Complaint and, therefore, deny those allegations.

3. Defendants admit the allegations asserted in paragraph 3 of Plaintiffs' Complaint.

4. Defendants admit the allegations asserted in paragraph 4 of Plaintiffs' Complaint with the caveat that Balch's proper name is Balch & Bingham LLP.

5. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 5 of the Plaintiffs' Complaint and, therefore, deny those allegations.

6. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 6 of the Plaintiffs' Complaint and, therefore, deny those allegations.

7. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 7 of the Plaintiffs' Complaint and, therefore, deny those allegations.

8. Defendants expressly deny they committed any wrongs. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the remainder of the allegations asserted in paragraph 8 of the Plaintiffs' Complaint and, therefore, deny those allegations.

9. Defendants expressly deny they committed any wrongs. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the remainder of the allegations asserted in paragraph 9 of the Plaintiffs' Complaint and, therefore, deny those allegations.

FACTS

10. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 10 of the Plaintiffs' Complaint and, therefore, deny those allegations.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 11 of the Plaintiffs' Complaint and, therefore, deny those allegations.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 12 of the Plaintiffs' Complaint and, therefore, deny those allegations.

13. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 13 of the Plaintiffs' Complaint and, therefore, deny those allegations.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 14 of the Plaintiffs' Complaint and, therefore, deny those allegations.

15. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 15 of the Plaintiffs' Complaint and, therefore, deny those allegations.

16. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 16 of the Plaintiffs' Complaint and, therefore, deny those allegations.

17. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 17 of the Plaintiffs' Complaint and, therefore, deny those allegations.

18. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 18 of the Plaintiffs' Complaint and, therefore, deny those allegations.

19. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 19 of the Plaintiffs' Complaint and, therefore, deny those allegations.

20. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 20 of the Plaintiffs' Complaint and, therefore, deny those allegations.

21. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 21 of the Plaintiffs' Complaint and, therefore, deny those allegations.

22. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 22 of the Plaintiffs' Complaint and, therefore, deny those allegations.

23. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 23 of the Plaintiffs' Complaint and, therefore, deny those allegations.

24. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 24 of the Plaintiffs' Complaint and, therefore, deny those allegations.

25. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 25 of the Plaintiffs' Complaint and, therefore, deny those allegations.

26. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 26 of the Plaintiffs' Complaint and, therefore, deny those allegations.

27. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 27 of the Plaintiffs' Complaint and, therefore, deny those allegations.

28. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 28 of the Plaintiffs' Complaint and, therefore, deny those allegations.

29. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 29 of the Plaintiffs' Complaint and, therefore, deny those allegations.

30. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 30 of the Plaintiffs' Complaint and, therefore, deny those allegations.

31. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 31 of the Plaintiffs' Complaint and, therefore, deny those allegations.

32. Defendants deny the allegations asserted in paragraph 32 of the Plaintiffs' Complaint.

33. Defendants deny the allegations asserted in paragraph 33 of the Plaintiffs' Complaint.

34. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 34 of the Plaintiffs' Complaint and, therefore, deny those allegations.

35. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 35 of the Plaintiffs' Complaint and, therefore, deny those allegations.

36. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 36 of the Plaintiffs' Complaint and, therefore, deny those allegations.

37. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 37 of the Plaintiffs' Complaint and, therefore, deny those allegations.

38. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 38 of the Plaintiffs' Complaint and, therefore, deny those allegations.

39. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 39 of the Plaintiffs' Complaint and, therefore, deny those allegations.

40. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 40 of the Plaintiffs' Complaint and, therefore, deny those allegations.

41. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 41 of the Plaintiffs' Complaint and, therefore, deny those allegations.

42. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 42 of the Plaintiffs' Complaint and, therefore, deny those allegations.

43. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 43 of the Plaintiffs' Complaint and, therefore, deny those allegations.

44. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 44 of the Plaintiffs' Complaint and, therefore, deny those allegations.

45. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 45 of the Plaintiffs' Complaint and, therefore, deny those allegations.



46. Defendants admit that Newsome, along with other lawyers throughout the State of Alabama including Cooper and other lawyers at Balch, has done some legal work for Iberiabank Corp.

47. Defendants admit that Newsome, along with other lawyers throughout the State of Alabama including Cooper and other lawyers at Balch, has done some legal work for Renasant Bank.

48. Defendants admit that Newsome, along with other lawyers throughout the State of Alabama including lawyers at Balch, has done some legal work for Bryant Bank.

49. Defendants admit that Cooper was aware of the legal work Newsome has done for Iberiabank Corp., Renasant Bank, and Bryant Bank.

50. Defendants admit that on May 4, 2013 Cooper emailed a public mug shot of Newsome to his personal friend and client contact, Brian Hamilton at Iberiabank Corp. Defendants deny the remaining allegations in paragraph 50 of the Plaintiff's Complaint and state further that Iberiabank Corp. was a client of Cooper and Balch at the time of the e-mail, and remains a client.

51. Defendants deny the allegations contain in paragraph 51 of the Plaintiffs' Complaint to the extent they seek to characterize Newsome's deferred prosecution and plea agreement as an acquittal or dismissal.

52. Defendants deny the allegations asserted in paragraph 52 of the Plaintiffs' Complaint.

### COUNT I

53. Defendants re-state their responses to paragraphs 1-52 of Plaintiffs' Complaint.

54. Defendants are not named in Count I, and therefore no response from Defendants is required. To the extent a response is required, however, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 54, and therefore deny them.

55. Defendants are not named in Count I, and therefore no response from Defendants is required. To the extent a response is required, however, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 55, as well as the prayer for relief, of the Plaintiffs' Complaint, and therefore deny them.

#### COUNT II

56. Defendants re-state their responses to paragraphs 1-55 of Plaintiffs' Complaint.

57. Defendants are not named in Count II, and therefore no response from Defendants is required. To the extent a response is required, however, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 57, as well as the prayer for relief, of the Plaintiffs' Complaint, and therefore deny them.

#### COUNT III

58. Defendants re-state their responses to paragraphs 1-57 of Plaintiffs' Complaint.

59. Defendants are not named in Count III, and therefore no response from Defendants is required. To the extent a response is required, however, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 59, as well as the prayer for relief, of the Plaintiffs' Complaint, and therefore deny them.

COUNT IV

60. Defendants re-state their responses to paragraphs 1-59 of Plaintiffs' Complaint.

61. Defendants are not named in Count IV, and therefore no response from Defendants is required. To the extent a response is required, however, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 61, as well as the prayer for relief, of the Plaintiffs' Complaint, and therefore deny them.

COUNT V

62. Defendants re-state their responses to paragraphs 1-61 of Plaintiffs' Complaint.

63. Defendants are not named in Count V, and therefore no response from Defendants is required. To the extent a response is required, however, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 63, as well as the prayer for relief, of the Plaintiffs' Complaint, and therefore deny them.

COUNT VI

64. Defendants re-state their responses to paragraphs 1-63 of Plaintiffs' Complaint.

65. Defendants admit that Newsome, along with other lawyers throughout the State of Alabama including Cooper and other lawyers at Balch, has done some legal work for Iberiabank Corp.

66. Cooper admits that he knew Newsome had done some legal work for Iberiabank Corp. Balch did not know of the nature of Newsome's practice, legal work, or clients.

67. Defendants deny the allegations contained in paragraph 67 of Plaintiffs' Complaint to the extent they are asserted against Defendants.

68. Defendants deny the allegations in paragraph 68 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

69. Defendants deny the allegations in paragraph 69 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

Defendants expressly deny that Plaintiffs are entitled to any relief whatsoever from them in this matter, including the relief requested in the paragraph beginning "Wherefore" following paragraph 69 of the Complaint.

#### COUNT VII

70. Defendants re-state their responses to paragraphs 1-69 of Plaintiffs' Complaint.

71. Defendants admit that Newsome, along with other lawyers throughout the State of Alabama including Cooper and other lawyers at Balch, has done some legal work for Renasant Bank.

72. Cooper admits that he knew Newsome had done some legal work for Renasant Bank. Balch did not know of the nature of Newsome's practice, legal work, or clients.

73. Defendants deny the allegations in paragraph 73 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

74. Defendants deny the allegations in paragraph 74 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

75. Defendants deny the allegations in paragraph 75 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

Defendants expressly deny that Plaintiffs are entitled to any relief whatsoever from them in this matter, including the relief requested in the paragraph beginning "Wherefore" following paragraph 75 of the Complaint.

**COUNT VIII**

76. Defendants re-state their responses to paragraphs 1-75 of Plaintiffs' Complaint.

77. Defendants admit that Newsome, along with other lawyers throughout the State of Alabama including lawyers at Balch, has done some legal work for Bryant Bank.

78. Cooper admits that he knew Newsome had done some legal work for Bryant Bank. Balch did not know of the nature of Newsome's practice, legal work, or clients.

79. Defendants deny the allegations in paragraph 79 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

80. Defendants deny the allegations in paragraph 80 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

81. Defendants deny the allegations in paragraphs 81 of the Plaintiffs' Complaint to the extent they are asserted against Defendants.

Defendants expressly deny that Plaintiffs are entitled to any relief whatsoever from them in this matter, including the relief requested in the paragraph beginning "Wherefore" following paragraph 81 of the Complaint.

**COUNT IX**

82. Defendants re-state their responses to paragraphs 1-81 of Plaintiffs' Complaint.

83. Defendants deny the allegations asserted in paragraph 83 of Plaintiffs' Complaint to the extent they are asserted against Defendants. Defendants did not make any false and defamatory statements concerning the Plaintiffs.

84. Defendants deny the allegations asserted in paragraph 84 of Plaintiffs' Complaint to the extent they are asserted against Defendants.

85. Defendants deny the allegations asserted in paragraph 85 of Plaintiffs' Complaint to the extent they are asserted against Defendants.

86. Defendants deny the allegations asserted in paragraphs 86 of Plaintiffs' Complaint to the extent they are asserted against Defendants.

Defendants expressly deny that Plaintiffs are entitled to any relief whatsoever from them in this matter, including the relief requested in the paragraph beginning "Wherefore" following paragraph 86 of the Complaint.

#### COUNT X

87. Defendants re-state their responses to paragraphs 1-86 of Plaintiffs' Complaint.

88. Defendants deny the allegations asserted in paragraphs 88 of Plaintiffs' Complaint to the extent they are asserted against Defendants.

Defendants expressly deny that Plaintiffs are entitled to any relief whatsoever from them in this matter, including the relief requested in the paragraph beginning "Wherefore" following paragraph 88 of the Complaint.

#### COUNT XI

89. Defendants re-state their responses to paragraphs 1-88 of Plaintiffs' Complaint.

90. Defendants deny the allegations asserted in paragraphs 90 of Plaintiffs' Complaint to the extent they are asserted against Defendants.

91. Defendants deny the allegations asserted in paragraphs 91 of Plaintiffs' Complaint to the extent they are asserted against Defendants.

Defendants expressly deny that Plaintiffs are entitled to any relief whatsoever from them in this matter, including the relief requested in the paragraph beginning "Wherefore" following paragraph 91 of the Complaint.

**UNLESS EXPRESSLY ADMITTED IN ONE OF THE FOREGOING PARAGRAPHS, ALL MATERIAL ALLEGATIONS OF PLAINTIFFS' COMPLAINT, INCLUDING ANY CONTAINED IN UNNUMBERED PARAGRAPHS, ARE DENIED.**

**AFFIRMATIVE DEFENSES**

1. Plaintiffs' Complaint, in whole or in part, fails to state a claim upon which relief may be granted.
2. Plaintiffs' claims are barred because they sustained no compensable damages as a result of any act or omission by Defendants alleged in the Complaint.
3. To the extent Plaintiffs' claims against Defendants are based upon allegations of Defamation, including but not limited to Plaintiffs' allegation that Defendants made false and defamatory statements concerning Plaintiff Newsome, they fail to state a claim upon which relief may be granted because truth is a defense to a claim of defamation. Defendants have made no false or defamatory statements concerning the Plaintiffs.
4. To the extent Plaintiffs' claims against Defendants are based upon allegations of Intentional Interference with a Business or Contractual Relationship, they fail to state a claim upon which relief may be granted because Defendants did not intentionally interfere with any relationship between Plaintiffs and any other individual or entity, Defendants are not strangers to any of Plaintiffs' business relationships with any of the banks named in Plaintiffs' Complaint, and Plaintiffs have not suffered damage.
5. Defendants plead privilege and justification as defenses to Plaintiffs' claims for Intentional Interference.
6. Defendants plead waiver, release, failure to mitigate damages, competitor's privilege, contributory negligence and assumption of the risk,
7. Any recovery of punitive or exemplary damages is barred, or must be reduced, under, among others, the provisions of the Fifth, Eighth and Fourteenth Amendment of the

United States Constitution and Article I, Sections 6 and 15 of the Constitution of the State of Alabama.

8. Recovery of punitive or exemplary damages, if any, is limited by the restrictions and caps on punitive damage awards as provided for by Alabama law. Defendants further assert that under any circumstances punitive damages should not exceed those listed in *Alabama Code* § 6-11-21 (no more than three times compensatory damages or \$500,000, whichever is greater). Further, no punitive damages are appropriate because the prerequisites of *Alabama Code* § 6-11-27 have not been met, and further, such punitive damages should not be awarded because the prerequisites of *Alabama Code* § 6-11-20 have not been met.

9. An award of mental anguish damages violates the United States Constitution and the Alabama Constitution.

10. Defendants expressly reserve the right to assert additional affirmative defenses if such defenses become apparent through discovery or through the clarification of any claims Plaintiffs are attempting to assert against Defendants.

#### **COUNTERCLAIM: ABUSE OF PROCESS**

Defendants Clark Andrew Cooper ("Cooper") and Balch & Bingham LLP ("Balch") assert the following counterclaim against Plaintiffs/Counterclaim Defendants Burt W. Newsome and Newsome Law, LLC (collectively "Newsome"),

1. Cooper is a partner at Balch practicing financial services and general litigation. Among other clients, he has represented Iberiabank Corp. and Renasant Bank for several years, along with other attorneys across the State of Alabama, including Newsome.

2. Balch has a robust financial services group, which has represented these financial institutions, as well as Bryant Bank, the other bank Newsome mentions in his Complaint.



3. Cooper has multiple client contacts who are employees of the banks mentioned, and some of those contacts are also personal friends of Cooper. One of those friends is Iberiabank Corp. executive Brian Hamilton, whom Cooper has known for approximately 15 years.

4. On May 4, 2013, Cooper learned that Newsome had been arrested as a result of threatening a man with a gun, and charged with menacing. Cooper learned of the arrest by viewing Newsome's mug shot, which is publicly available on the internet. Cooper now knows that this man is Defendant John W. Bullock, a man Cooper does not know.

5. Also on May 4, 2013, Cooper forwarded the photograph to his friend Brian Hamilton. At the time of this correspondence, Iberiabank Corp. was a client of Cooper and Balch, and remains a client. This correspondence, a true and accurate copy of which is attached hereto as Exhibit A, was the sole communication between Cooper and Hamilton and/or Iberiabank Corp. regarding Newsome's arrest. Cooper did not correspond either with Renasant Bank or Bryant Bank about Newsome's arrest.

6. Unrelated to Newsome or Newsome's arrest, Cooper has corresponded with his own clients, or clients of Balch, in an effort to stay abreast of their legal needs, to keep the business relationships active, and to be of service to the clients. The only correspondence sent by Cooper to the banks listed in Newsome's Complaint wherein Newsome's name is used, other than that e-mail which was mentioned above, are in the form of forwarded reports from the courthouse news-generated case summaries. True and accurate copies of these e-mails are attached hereto as Exhibit B, and demonstrate that at no time did Cooper attempt to interfere with Newsome's engagement with any client.

7. Additionally, in the few limited circumstances wherein Cooper ever mentioned or referenced Newsome to any bank clients, Cooper has never made any statement that was untrue.

8. On January 14, 2015, Newsome filed the Complaint alleging intentional interference with contractual relations with these banks, defamation, and conspiracy against Cooper, as well as vicarious liability/respondeat superior against Balch.

9. Rather than an attempt to obtain judicial redress for alleged wrongs, the Complaint amounts to a malicious and wrongful abuse of the legal process, as well as the resources of this Court, with the ulterior purpose of extorting a quick settlement, embarrassing and harassing a well-respected and established attorney and his law firm, and frustrating and undermining their successful relationships with the banking clients mentioned in the Complaint and others.<sup>1</sup>

10. Even before suit was filed, counsel for Newsome contacted Balch to request payment in exchange for not filing suit. Additionally, on the same day the lawsuit was filed, Newsome filed a Motion to Temporarily Seal Court Record, referencing ongoing settlement discussions and negotiations (Motion, ¶ 2). Contrary to this assertion, neither Cooper nor Balch

---

<sup>1</sup> Newsome's record of filing personal lawsuits all over Alabama is well-established. He has filed at least fourteen (14) suits seeking redress for perceived harms, including:

- In Re; Estate of Faulk (CV-1995-000025, Geneva Co.);
- Newsome v. Chambers (CV-1993-000547, Montgomery Co.);
- Newsome v. Alabama Department of Public Safety (CV-96-000090, Shelby Co.);
- Newsome v. Delta Airlines Inc. and Expedia Inc. (DV-2002-001135, Tuscaloosa Co.);
- Newsome v. Hardin (SM-2003-000405, Madison Co.);
- Newsome v. Delta Airlines, Inc. (DV-2005-001518, Tuscaloosa Co.);
- Newsome v. Precision Plumbing & Repair Inc. (CV-2006-001068, Tuscaloosa Co.);
- Newsome v. Dad's Carpet & Upholstery Cleaning, Inc. (DV-2007-900305, Shelby Co.);
- Newsome v. Drew Jeffrey Gunnells, St. Vincent's, et al. (CV-2009-901168, Jefferson Co.);
- Newsome v. BP Exploration & Production, Inc. d/b/a BP (DV-2010-900814, Baldwin Co.);
- Newsome v. Sprint Communications Company, L.P. (CV-2010-900178, Shelby Co.);
- Newsome v. Wildigan Investments I, LLC (DV-2011-900457, Shelby Co.);
- Newsome v. All My Sons Moving and Storage of Birmingham, Inc. (CV-2012-900968, Shelby Co.);
- Newsome v. Diversified Sales, Inc. d/b/a Don's Carpet One Floor & Home (CV-2014-900721, Shelby Co.)

have been or are now engaged in any settlement discussions or negotiations whatsoever with Newsome.

11. Cooper and Balch have been damaged as a proximate cause of Newsome's intentional and malicious conduct, including the necessity of responding to this frivolous lawsuit.<sup>2</sup>

WHEREFORE, Cooper and Balch respectfully demand judgment against Newsome in an amount to be determined at trial, including but not limited to, compensatory damages, punitive damages, all costs and attorneys' fees associated with this action, and any such other relief as this Court deems proper.

Respectfully submitted this 20<sup>th</sup> day of February 2015.

/s/ Amelia K. Steindorff

One of the Attorneys for Defendants Clark Cooper  
and Balch & Bingham LLP

**OF COUNSEL:**

S. Allen Baker Jr.  
Amelia K. Steindorff  
BALCH & BINGHAM LLP  
1901 Sixth Avenue North  
Suite 1500  
Birmingham, AL 35203  
Telephone: (205) 226-3416  
Telephone: (205) 226-3421  
Facsimile: (205) 488-5880  
Facsimile: (205) 488-5613  
E-mail: [abaker@balch.com](mailto:abaker@balch.com)  
E-mail: [asteindorff@balch.com](mailto:asteindorff@balch.com)

<sup>2</sup> On February 12, 2015, the undersigned counsel sent an Alabama Litigation Accountability Act letter to counsel for Newsome, but has not received a response; therefore, it is likely that a Motion for Relief under § 12-19-272 will be forthcoming.

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the AlaFile system which will send notification of such filing and/or that a copy of the foregoing has been served upon the following by placing a copy of same in the United States mail, properly addressed and postage prepaid, on this the 20<sup>th</sup> day of February, 2015:

Robert E. Lusk  
rlusk@lusklawfirmllc.com  
LUSK LAW FIRM, LLC  
P.O. Box 1315  
Fairhope, Alabama 336533  
Telephone: (51) 471-8017  
Facsimile: (251) 478-9601

/s/ Amelia K. Steindorff  
Of Counsel

# **Exhibit A**

**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](mailto: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](http://www.good.com))

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

**From:** Cooper, Clark [[ccooper@balch.com](mailto: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)<<mailto:ccooper@balch.com>>> wrote:

Have you seen this? Not sure how it's going to affect his law license. Bizarre

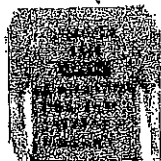
Clark A. Cooper, Partner, Balch & Bingham LLP  
 1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642  
 t: (205) 226-8762 f: (205) 488-5765 e: [ccooper@balch.com](mailto:ccooper@balch.com)<<mailto:ccooper@balch.com>>  
[www.balch.com](http://www.balch.com)<<http://www.balch.com>>

<image001.png>

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Thank You.



Shelby County Inmates  
NEWSOME, BURTON WHEELER

05/02/2013 05/02/2013

MENACING



Cooper-0003



## **Exhibit B**

**Cooper, Clark**

**From:** Cooper, Clark  
**Sent:** Wednesday, January 30, 2013 4:34 PM  
**To:** 'Hamilton, Brian'  
**Subject:** RE: Iberla

Ha ha!

**From:** Hamilton, Brian [<mailto:Brian.Hamilton@iberlabank.com>]  
**Sent:** Wednesday, January 30, 2013 4:31 PM  
**To:** Cooper, Clark  
**Subject:** RE: Iberla

That what she said.

Brian Hamilton  
 Vice President, Business Credit Services  
**IBERLABANK**  
 3595 Grandview Parkway, Suite 500  
 Birmingham, Alabama 35243  
 Phone: 205-803-5872  
 Cell: 205-420-2879

**From:** Cooper, Clark [<mailto:ccooper@balch.com>]  
**Sent:** Wednesday, January 30, 2013 4:31 PM  
**To:** Hamilton, Brian  
**Subject:** RE: Iberla

That makes sense. Save me for the bigger ones

Thanks

**From:** Hamilton, Brian [<mailto:Brian.Hamilton@iberlabank.com>]  
**Sent:** Wednesday, January 30, 2013 4:29 PM  
**To:** Cooper, Clark  
**Subject:** RE: Iberla

It's a zero balance loan (still a legal balance) where the guarantor filed bankruptcy and has been discharged. We pulled dated files that haven't been touched due to the zero loan balance (no exposure). The company is defunct too. But, we need default judgment out there to make it appealing to a buyer. Hope that makes sense. Burt's contract rate on uncontested default judgments is tough to match.

Brian Hamilton  
 Vice President, Business Credit Services  
**IBERIA BANK**  
 3595 Grandview Parkway, Suite 500  
 Birmingham, Alabama 35243  
 Phone: 205-803-5872  
 Cell: 205-420-2879

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

Brian,

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

Thanks and no word from Benton yet

Clark

**BALCH**  
 A B L I N G H A M 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](mailto:ccooper@balch.com)  
[www.balch.com](http://www.balch.com)

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 Thank You.

**Cooper, Clark**

---

**From:** Cooper, Clark  
**Sent:** Wednesday, July 24, 2013 10:50 AM  
**To:** David Agee  
**Subject:** Suit filed by Bryant Bank

Hello David,

I hope you are doing well. I see that the below suit was filed by Newsome. Anything I can do so that I could work with you?

Thanks

Clark

Shelby County  
Shelby

Bryant Bank  
v.  
Landsouth Contractors Inc,  
7/19/2013 58-CV-13-900835 Conwill  
(Shelby)

Breach of contract, Defendant

**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](mailto:ccooper@balch.com)  
[www.balch.com](http://www.balch.com)

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**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**  
 & 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](mailto:ccooper@balch.com)  
[www.balch.com](http://www.balch.com)

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# **Tab 6**

THIS SIDE OF FORM IS CONFIDENTIAL UNLESS RELEASED AT THE DISCRETION OF THE CHIEF LAW ENFORCEMENT OFFICER

Incident/Offense Report - Continued		83 Date of Report (MM/DD/YY) 12/19/12		84 Time of Report 09:20		85 Agency Case Number 2011201901771		86 Suffix		87 Offender <input checked="" type="checkbox"/> Offender <input type="checkbox"/> Suspect <input type="checkbox"/> Missing Person		Check if Multiple			
88 Reported By (Last, First, Middle Name) Victim Or				89 Suffix		90 Resident <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident		91 Home Phone		92 Work Phone		93 Other Phone			
94 Victim # 1		95 Victim (Last, First, Middle Name) Bullock, John Franklin Jr.				96 Suffix Jr.		97 Address (Street, City, State, Zip) 1917 Cogswell Ave Pell City, AL 35125		98 Home Phone 936-8315		99 Work Phone 936-8315			
101 Employer (School) Self (The pink variety store)		102 Occupation Owner				103 Address (Street, City, State, Zip) 3508 Cogswell Ave Pell City, AL 35125		104 Work Phone 936-8315		105 Other Phone 936-8315					
106 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		107 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B		108 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		109 HGT 5'9"		110 WGT 185		111 Date of Birth 11/09/66		112 Age 46			
113 Multiple Victims <input type="checkbox"/> Multiple <input type="checkbox"/> LE Officer		114 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		115 Injury <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		116 Offender known to victim? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		117 Victim was? (Explain Relationship) Stranger		118 Relationship Code					
121 Weapons Used <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife <input type="checkbox"/> Hands, Fist, Feet, Voice, etc. <input type="checkbox"/> Other Dangerous				122 Description of Weapons/Placards/Tools Used in Offense Blacked semi auto with brown handles (possibly a 380)								123 Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Unknown			
123 Place of Occurrence In front of 194 Narrows Drive Suite 103 Birmingham, AL 35242				124 Type of Injury <input checked="" type="checkbox"/> None <input type="checkbox"/> Broken Bones <input type="checkbox"/> Internal Injury <input type="checkbox"/> Minor Injury <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Other Major Injury <input type="checkbox"/> Unconscious				125 Sector EAD571							
126 Circumstances: Homicide & Assault		127 Location: Rape & etc.		128 Assault <input type="checkbox"/> Simple <input type="checkbox"/> Aggravated		129 Treatment for Assault? <input type="checkbox"/> Yes <input type="checkbox"/> No		130 Verify for Rape Exam? <input type="checkbox"/> Yes <input type="checkbox"/> No		131 Treatment for Rape? <input type="checkbox"/> Yes <input type="checkbox"/> No					
132 Off # 1		133 Name (Last, First, Middle) Newsome, Burton W.		134 SFX		135 Alias		136 Social Security # 255-27-7001		137 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A		138 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F			
141 Address (Street, City, State, Zip) 1005 Belvedere Cove Birmingham, AL 35242				142 HGT 5'8"				143 WGT 180		144 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		145 Language <input checked="" type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other			
146 Probable Destination Newsome Law, LLC 194 Narrows Drive Suite 103 Birmingham, AL 35242				147 Eye BRO				148 Hair BRO		149 Complexion Fair		150 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
151 Clothing PX (205) 747-1970				152 Scars <input type="checkbox"/> Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations				153 Arrested <input type="checkbox"/> Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted							
164 Off # NA		165 Name (Last, First, Middle)		166 SFX		167 Alias		168 Social Security #		169 Race <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A		170 Sex <input type="checkbox"/> M <input type="checkbox"/> F			
163 Address (Street, City, State, Zip)				164 HGT				165 WGT		166 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		167 Language <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other			
168 Probable Destination				169 Eye				170 Hair		171 Complexion		172 Armed <input type="checkbox"/> Yes <input type="checkbox"/> No			
173 Clothing				174 Scars <input type="checkbox"/> Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations				175 Arrested <input type="checkbox"/> Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted							
Name (Last, First, Middle)		Sex		Race		Date of Birth		Address		Contact Telephone Numbers					
176 None		<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		177		178		179 Home		180 Work			
184		<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		185		186		187 Home		188 Work			
192		<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		193		194		195 Home		196 Work			
200 Witness # 1 SSN				201 Witness # 2 SSN				202 Witness # 3 SSN							

203 Mr. Bullock states that he arrived for an 8:00 AM dentist appointment at Narrows Family Dentistry and backed his car in to a parking spot. When he got out of his car he saw a man standing beside a blue VW Jetta pointing a gun at Mr. Bullock. The man asked Mr. Bullock what he was doing and Mr. Bullock stated "going to the dentist." He stated that the man continued pointing the gun at him and told him to get back into his car. Mr. Bullock got back into his car and states that the man got into the VW and left. Mr. Bullock wrote down the tag number (AL 58A2366). The tag comes back to a 2006 VW Jetta registered to Burton W. Newsome. Mr. Bullock was shown a license picture of Mr. Newsome and verified that he is the man that pointed a gun at him. Mr. Newsome has a Law practice (Newsome Law, LLC) located two doors down from the dentist office Mr. Bullock was visiting. Mr. Bullock states that he has never seen Mr. Newsome before and doesn't know him. The warrant process was explained to Mr. Bullock.

204 Continued on Supplement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		205 Assisting Agency ORI		206 Assisting Agency Case Number		207 SFX		208 Warrant Signed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Warrant #		209 Add. Cases Closed Narrative <input type="checkbox"/> Y <input type="checkbox"/> N	
I affirm that I have read this report and that all the information given by me is true and correct.													

## ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

1 ORI # <b>AL0590000</b>		2 Date of Report <b>12/19/12</b>		3 Time of Report <b>09:20</b>		4 Add'l Incident Supplement		5 Supplemental Date		6 Agency Case Number <b>2101210910771</b>		7 Subfile			
8 Agency Name <b>Shelby County Sheriff's Office</b>										9 Sector <b>East</b>					
10 Type of Incident or Offense <b>Menacing</b> <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Completed						11 Degree (Circle) <b>1 2 3</b>		12 UCR Code		13 State Code/Local Ordinance <b>13A-6-23</b>					
14 Type of Incident or Offense <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Attempted <input type="checkbox"/> Completed						15 Degree (Circle) <b>1 2 3</b>		16 UCR Code		17 State Code/Local Ordinance					
18 Place of Occurrence <b>194 Narrows Drive Suite 103 Birmingham, AL 35242</b> <input type="checkbox"/> Check here if event occurred at victim's residence						Victim Demographics (Where victim is an individual)									
If offense occurred at victim's residence, then only the approximate location should be listed in this section. (For example, a block number should be entered.) If the offense occurred elsewhere, then the specific address should be listed here.						19 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		20 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		21 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		22 Multiple Victims <input type="checkbox"/> LE Officer		23 Age <b>46</b>	
						24 Offender Suspected of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer Equipment <input type="checkbox"/> N/A		25 Juvenile Gang <input type="checkbox"/> Adult Gang <input type="checkbox"/> None/Unknown		26 Hate Bias <input type="checkbox"/> Yes <input type="checkbox"/> No		27 Bias Code			
29 Point of Entry <input type="checkbox"/> Door <input type="checkbox"/> Roof <input type="checkbox"/> Window <input type="checkbox"/> Other		30 Method of Entry <input type="checkbox"/> Forceful <input type="checkbox"/> Attempted Forceful <input type="checkbox"/> No Force		31 Local Use		32 Lighting <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Moon <input type="checkbox"/> Artificial Exterior <input type="checkbox"/> Artificial Interior <input type="checkbox"/> Unknown		33 Weather <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Fog <input type="checkbox"/> Snow <input type="checkbox"/> Hall <input type="checkbox"/> Unknown		34 Location Type (Circle) 01 Terminal 09 Drug Store 17 Liquor Store 02 Bank 10 Field/Moors 18 Parking Lot/Garage 03 Bar 11 Govt/Public Building 19 Storage Facility 04 Church 12 Supermarket 20 Residence/Home 05 Commercial 13 Highway/Street 21 Restaurant 06 Construction 14 Hotel/Motel 22 School/College 07 Copy Store 15 Jail/Prison 23 Service/Bus Station 08 Dept Store 16 Lake/Waterway 24 Specialty Store 25 Other/Unknown					
35 Occurred from M/D/YYYY <b>12/19/12</b>		36 Time of Event <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <b>07:30</b>		37 Day of Week <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S <input checked="" type="checkbox"/> M <b>1 2 3 4 5 6 7</b>		38 Occurred to M/D/YYYY <b>12/19/12</b>		39 Time of Event <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <b>08:30</b>		40 Day of Week <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S <input checked="" type="checkbox"/> M <b>1 2 3 4 5 6 7</b>		41 Premises Entered (Burglary)			
42 Type Criminal Activity B Buying/Receiving D Distributing/Selling O Operating/Promoting T Transporting/Importing C Cultivating/Maint E Exploding Children P Possessing/Concealing U Using/Consuming		43 Victim Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Financial (Bank) <input type="checkbox"/> Religious Org <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Society		44 Loss Code		45 Property Code		46 City		47 Property Description Include Make, Model, Size Type, Serial #, Color, Drug Type, Drug Qty, Etc.		48 Dollar Value Stolen Damaged Date Value			
49 Stolen Vehicle Only		50 Area Stolen <input type="checkbox"/> Residence <input type="checkbox"/> Business <input type="checkbox"/> Rural		51 Ownership <input type="checkbox"/> Tag Receipt <input type="checkbox"/> Title <input type="checkbox"/> Other Tag Check		52 Veh. Category <input type="checkbox"/> Recovered <input checked="" type="checkbox"/> Stolen <input type="checkbox"/> Victim's Vehicle <input type="checkbox"/> Abandoned		53 Vehicle Year <b>2006</b>		54 Vehicle Make <b>Volkswagen</b>		55 Vehicle Model <b>Jetta</b>			
56 Vehicle Style <b>UNK</b>		57 Vehicle Color <b>BLUE</b>		58 License <b>68A23GG</b>		59 1ST <b>AL</b>		60 LIY <b>2013</b>		61 Tag Color <b>White</b>		62 VIN <b>31VWIR1F1711K1816M161617181212121</b>			
63 Case #		64 SFX		65 Case #		66 SFX		67 Case #		68 SFX		69 SFX			
70 Case Status <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Inactive <input type="checkbox"/> Closed		71 Multiple Cases Closed Listed Above Multiple Cases Closed Listed On Supplement <input type="checkbox"/>		72 Case Disposition 1 Cleared by Arrest (Juvenile) 2 Cleared by Arrest (Adult) 3 Unfounded 4 Exceptional Clearance 5 Administratively Cleared		73 Exceptional Clearance (Circle One) A Suspended/Offender Dead B Prosecution Declined/ C Other Prosecution D Extradition Denied E Victim Refused to Cooperate F Juvenile (No Custody) G Death of Victim		74 Reporting Officer <b>Greene, M.A.</b>		75 Officer ID Number <b>149</b>		76 Assisting Officer			
77 Entered NCIC/ACJIC <input type="checkbox"/> Yes <input type="checkbox"/> No		78 Supervisor Approval		79 Supervisor ID Number		80 Supervisor Approval		81 Supervisor ID Number		82 Supervisor Approval		83 Supervisor ID Number			



# **Tab 7**



ELECTRONICALLY FILED  
2/13/2015 9:36 AM  
01-CV-2015-900190.00

CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

DI

STATE OF ALABAMA V. Burton Wheeler Newsome

CASE NO. DC 2013-1434

This matter comes before the Court by the specific AGREEMENT of the parties. The Defendant is ✓ present, is ✓ represented by counsel and has NOT knowingly and voluntarily waived the right to the same. After due consideration and pursuant to said agreement, all of the following as specifically noted below is hereby ORDERED, ADJUDGED and DECREED.

- (X) This matter is Dismissed with 9:00 prejudice.  
(X) This matter is Continued until 4/01/14 then to be Dismissed with ✓ prejudice, provided that the defendant have no further incidents/arrests  
( ) This matter is placed on the Administrative Docket until \_\_\_\_\_, then to be Dismissed with \_\_\_\_\_ prejudice, provided that \_\_\_\_\_  
( ) DEFENDANT MUST APPEAR IN COURT ON THE ABOVE DATE.

✓ COURT COSTS ARE TAXED AS FOLLOWS:

\$ \_\_\_\_\_ in further Recoupment to the Fair Trial Tax Fund  
\$ 368.00 in Court Costs including \$100.00 Bail Bond Fee  
\$ 20.00 as Jail Housing Costs and all jail Medical Expenses  
\$ 25.00 to the Crime Victims' Compensation Fund  
\$ \_\_\_\_\_ to the Forensic Science Trust Fund (Act No. 93-733 does \_\_\_\_\_ apply)  
\$ \_\_\_\_\_ in Restitution to \_\_\_\_\_  
\$ \_\_\_\_\_ as Worthless Check Cost (IWC # \_\_\_\_\_)

✓ \$ 413.00 TOTAL to be deducted from Cash Bond

PAYMENT MAY BE MADE BY CERTIFIED CHECK, MONEY ORDER, OR IF IN PERSON BY CASH TO COURT CLERK, P.O. BOX 1810, COLUMBIANA, AL. 35051. THE ABOVE CASE NUMBER SHOULD APPEAR ON ALL PAYMENTS. NOTE: IF THE DEFENDANT FAILS TO MAKE SUCH PAYMENTS AND FAILS TO APPEAR IN COURT ON THE ABOVE DATES SHOWN, THIS MATTER WILL NOT BE DISMISSED AND AN ARREST WARRANT AND BOND FORFEITURE CAN BE ISSUED FOR THE DEFENDANT.

The Defendant does hereby grant a full, complete and absolute Release of all civil and criminal claims stemming directly or indirectly from this case to the State of Alabama, its agents and employees, including, but not limited to the District Attorney for Shelby County, Alabama, his agents and employees; to Shelby County, Alabama, its agents and employees, including, but not limited to the Sheriff of said County, his agents and employees, to any other law enforcement or investigative agencies, public or private, their agents and employees; to any other complainants, witnesses, associations, corporations, groups, organizations or persons in any way related to this matter, to also include the Office of the Public Defender of Shelby County, Alabama, its agents and employees, from any and all actions arising from the instigation, investigation, prosecution, defense, or any other aspect of this matter. The Defendant freely makes this release knowingly and voluntarily. In exchange for this release, this case will be either dismissed immediately, or pursuant to conditions noted above.

ANY FEES OR COSTS NOT SPECIFICALLY TAXED ABOVE ARE HEREBY REMITTED.

The foregoing duly reflects the Agreement of the parties as entered above and as attested by their signatures below.

John B. Blalock  
Complaining Witness

Vando J. Pitt  
District Attorney

[Signature]  
Defendant

[Signature]  
Defendant's Attorney

Done and ordered: 11-12-13

[Signature]  
DISTRICT JUDGE (SHELBY COUNTY)

# **Tab 8**

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

**BURT W. NEWSOME; and NEWSOME  
LAW, LLC,**

**Plaintiffs,**

**v.**

**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.**

**CASE NO.: 01-CV-2015-900190.00**

**ORDER**

This action, which was filed by Burt W. Newsome and Newsome Law, LLC (“collectively the “Newsome Defendants”) came before this Court on a Motion for Summary Judgment filed by Defendants Clark Andrew Cooper (“Cooper”) and Balch & Bingham LLP (“B&B”) (collectively, the “B&B Defendants”). This Court has heard argument on multiple occasions regarding this case, and has reviewed all evidence submitted by the parties. Having considered the written submissions, along with argument, the Court determines as follows:

1. The Complaint filed against the B&B Defendants contains counts for intentional interference with business and contractual relations, defamation, conspiracy and vicarious liability/respondeat superior.

2. The intentional interference claims fail as a matter of law because the Newsome Defendants have “presented no evidence to support a finding of the third element [of intentional interference] – that [Cooper] intentionally interfered with [Newsome’s] employment relationship” with the financial institutions complained of—Iberiabank Corp., Renasant Bank, or Bryant Bank. *Hurst v. Alabama Power Company*, 675 So. 2d 397, 399 (Ala. 1996).

3. The defamation count fails as a matter of law because falsity of the alleged defamatory statement is one of the five elements the Newsome Defendants were required to show to establish a *prima facie* action for defamation. See, e.g., *Ex parte Crawford Broad. Co.*, 904 So. 2d 221, 225 (Ala. 2004); thus, “[t]ruth is a complete and absolute defense to defamation. . . . Truthful statements cannot, as a matter of law, have defamatory meaning.” *Federal Credit, Inc. v. Fuller*, 72 So. 3d 5, 9-10 (Ala. 2011). While Newsome’s arrest did not constitute evidence of wrongdoing, the arrest itself is a fact, and Cooper’s email correspondence attaching Newsome’s mug shot was a true event, which occurred in time.

4. Newsome’s conspiracy count fails as a matter of law for a number of reasons, including because a) until Newsome filed this lawsuit, Cooper had never met the other defendant “co-conspirators” in this matter; and b) the Deferred Prosecution Agreement and Release, executed by Newsome, extends to release any of Cooper’s alleged conduct.

5. Newsome Defendants’ vicarious liability/respondeat superior count fails as a matter of law against the B&B Defendants because Newsome has provided absolutely no evidence that Cooper is liable for any wrongdoing whatsoever.

6. Lastly, Newsome's invasion of privacy claim fails as a matter of law because a) neither Cooper nor Balch intruded into a private matter of Newsome's and b) because neither Cooper nor Balch publicized any fact relating to Newsome.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all claims against Clark Andrew Cooper and Balch & Bingham LLP are hereby dismissed with prejudice, costs taxed as paid.

---

CIRCUIT JUDGE



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

NEWSOME BURT W,	)	
NEWSOME LAW LLC,	)	
Plaintiffs,	)	
	)	
V.	)	<b>Case No.:</b> CV-2015-900190.00
	)	
COOPER CLARK ANDREW,	)	
BALCH & BINGHAM LLP,	)	
SEIER CLAIBORNE P,	)	
BULLOCK JOHN FRANKLIN JR.,	)	
Defendants.	)	

**ORDER**

[This action, which was filed by Burt W. Newsome and Newsome Law, LLC (“collectively the “Newsome Defendants”) came before this Court on a Motion for Summary Judgment filed by Defendants Clark Andrew Cooper (“Cooper”) and Balch & Bingham LLP (“B&B”) (collectively, the “B&B Defendants”). This Court has heard argument on multiple occasions regarding this case, and has reviewed all evidence submitted by the parties. Having considered the written submissions, along with argument, the Court determines as follows:

1. The Complaint filed against the B&B Defendants contains counts for intentional interference with business and contractual relations, defamation, conspiracy and vicarious liability/respondeat superior.
2. The intentional interference claims fail as a matter of law because the Newsome Defendants have “presented no evidence to support a finding of the third element [of intentional interference] – that [Cooper] intentionally interfered with [Newsome’s] employment relationship” with the financial institutions complained of—Iberiabank Corp., Renasant Bank, or Bryant Bank. *Hurst v. Alabama Power Company*, 675 So. 2d 397, 399 (Ala. 1996).
3. The defamation count fails as a matter of law because falsity of the alleged defamatory statement is one of the five elements the Newsome Defendants were required to show to establish a prima facie action for defamation. See, e.g., *Ex parte Crawford Broad. Co.*, 904 So. 2d 221, 225 (Ala. 2004): thus, “[t]ruth is a complete and absolute defense to defamation. . . . Truthful statements cannot, as a matter of law, have defamatory meaning.” *Federal Credit, Inc. v. Fuller*, 72 So. 3d 5, 9-10 (Ala. 2011). While Newsome’s arrest did not constitute evidence of wrongdoing, the arrest itself is a fact, and Cooper’s email correspondence attaching Newsome’s mug shot was a true event, which occurred in time.
4. Newsome’s conspiracy count fails as a matter of law for a number of reasons, including because a) until Newsome filed this lawsuit, Cooper had never met the other defendant “co-conspirators” in this matter; and b) the Deferred Prosecution Agreement and Release, executed by Newsome,

- extends to release any of Cooper's alleged conduct.
5. Newsome Defendants' vicarious liability/respndeat superior count fails as a matter of law against the B&B Defendants because Newsome has provided absolutely no evidence that Cooper is liable for any wrongdoing whatsoever.
  6. Lastly, Newsome's invasion of privacy claim fails as a matter of law because a) neither Cooper nor Balch intruded into a private matter of Newsome's and b) because neither Cooper nor Balch publicized any fact relating to Newsome.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all claims against Clark Andrew Cooper and Balch & Bingham LLP are hereby dismissed with prejudice, costs taxed as paid.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

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CIRCUIT JUDGE