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

EXHIBIT 11 TO THE AFFIDAVIT OF VERONICA ROOT:

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



AlaFile E-Notice

01-CV-2015-900190.00

Judge: CAROLE C. SMITHERMAN

To: NEWSOME BURTON WHEELER
burt@newsomelawllc.com

NOTICE OF ELECTRONIC FILING

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

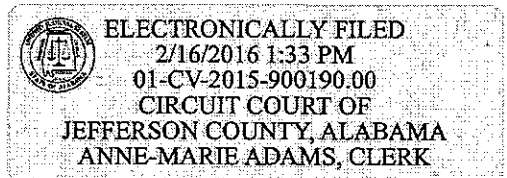
ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
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STATE OF ALABAMA Unified Judicial System 01-JEFFERSON		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Case No. CV2015-00190 ELECTRONICALLY FILED 2/16/2016 1:33 PM 01-CV-2015-900190.00 CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA ANNE-MARIE ADAMS, CLERK
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		<input type="checkbox"/> Oral Arguments Requested	
TYPE OF MOTION			
Motions Requiring Fee <input type="checkbox"/> 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) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> 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) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input checked="" type="checkbox"/> 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. <input type="checkbox"/> Local Court Costs \$ 0.00		Motions Not Requiring Fee <input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input checked="" type="checkbox"/> Other <u>Amended Motion for Summary Judgment</u> 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) <input type="checkbox"/>		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.¹ *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

¹ It is currently publicly available on the internet, including at:
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/responeat 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 5.²

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).

² 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 Ibertiabank 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. (WMML 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.³

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

³This 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

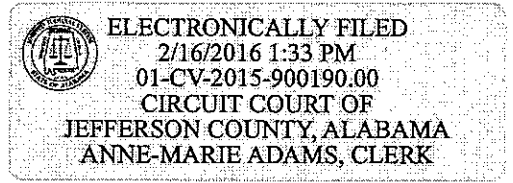
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CERTIFICATE OF SERVICE

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



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 12th 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 12th day of August, 2015.

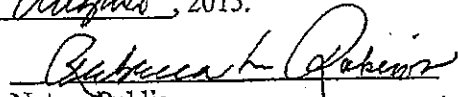

Notary Public
My Commission Expires 11/23/16

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> wrote:

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

Sent with Good (www.good.com)

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

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

Section 13A-6-23 - Menacing.

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

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

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

Have you seen this? 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>>

<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
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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	Contract. Defendants owe plaintiff more than \$100,000	Burt Newsome
v.	for default on a loan.	
John C. Wicker, The Wicker		
Agency Inc.		
11/6/2014 01-CV-14-904617		
(Birmingham)		

BALCH
A BINGHAM LLP

Clark A. Cooper, Partner, Balch & Bingham LLP
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t: (205) 226-8762 f: (205) 488-5765 e: ccooper@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's 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@baich.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]
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 BINGHAM LLP

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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.

RESPONSE: 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

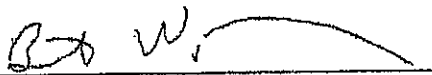
- State of Alabama v. Newsome, DC-2013-001434, Shelby Co.

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 20th 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 20th day of April, 2015.


Notary Public

My Commission expires:
Jennifer Choi
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

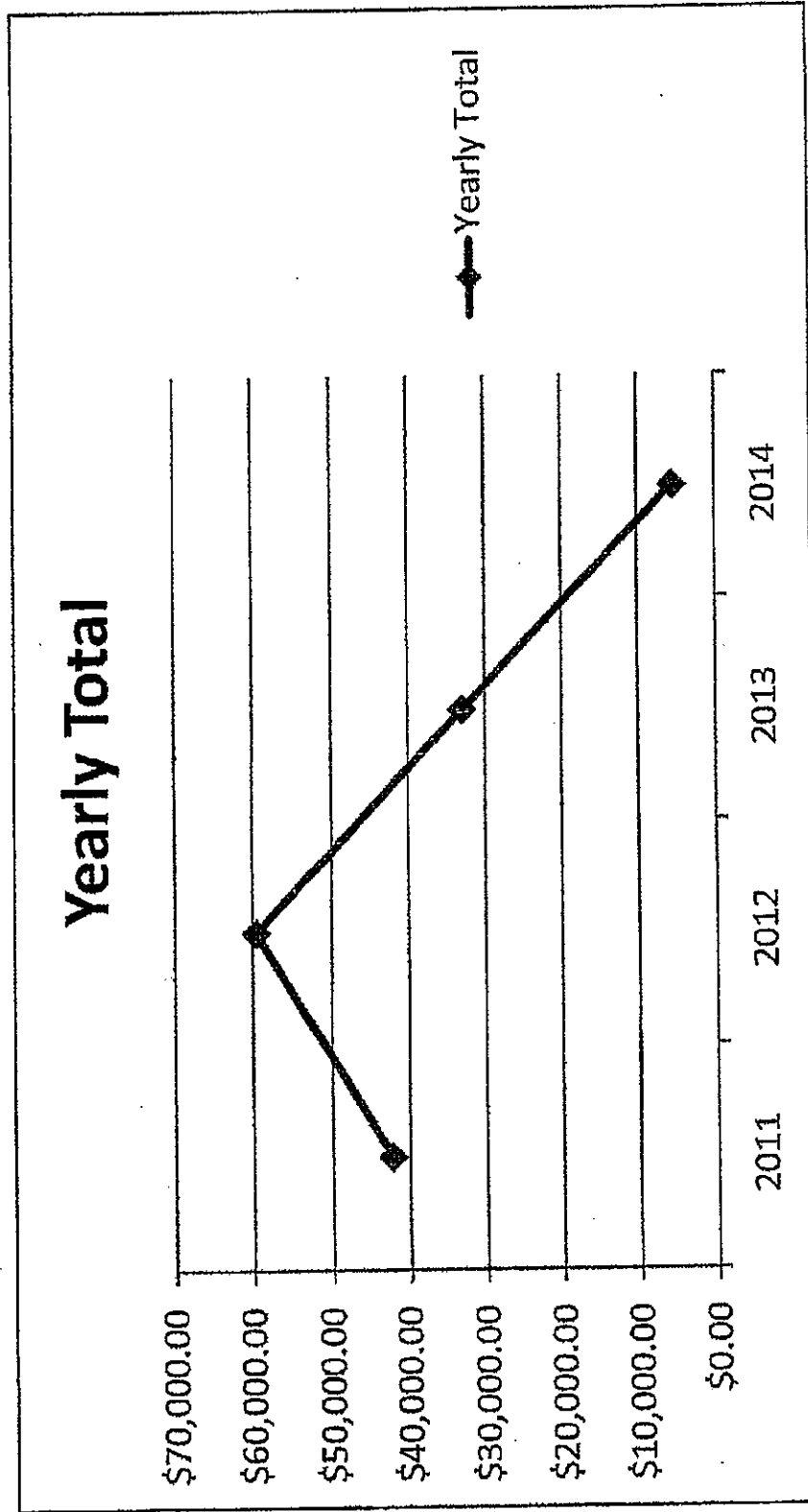
I hereby certify that I have filed electronically and served a copy of the foregoing upon the below listed parties to this action by placing a copy of same in the United States Mail, postage prepaid and properly addressed, this the 21st day of April, 2015.

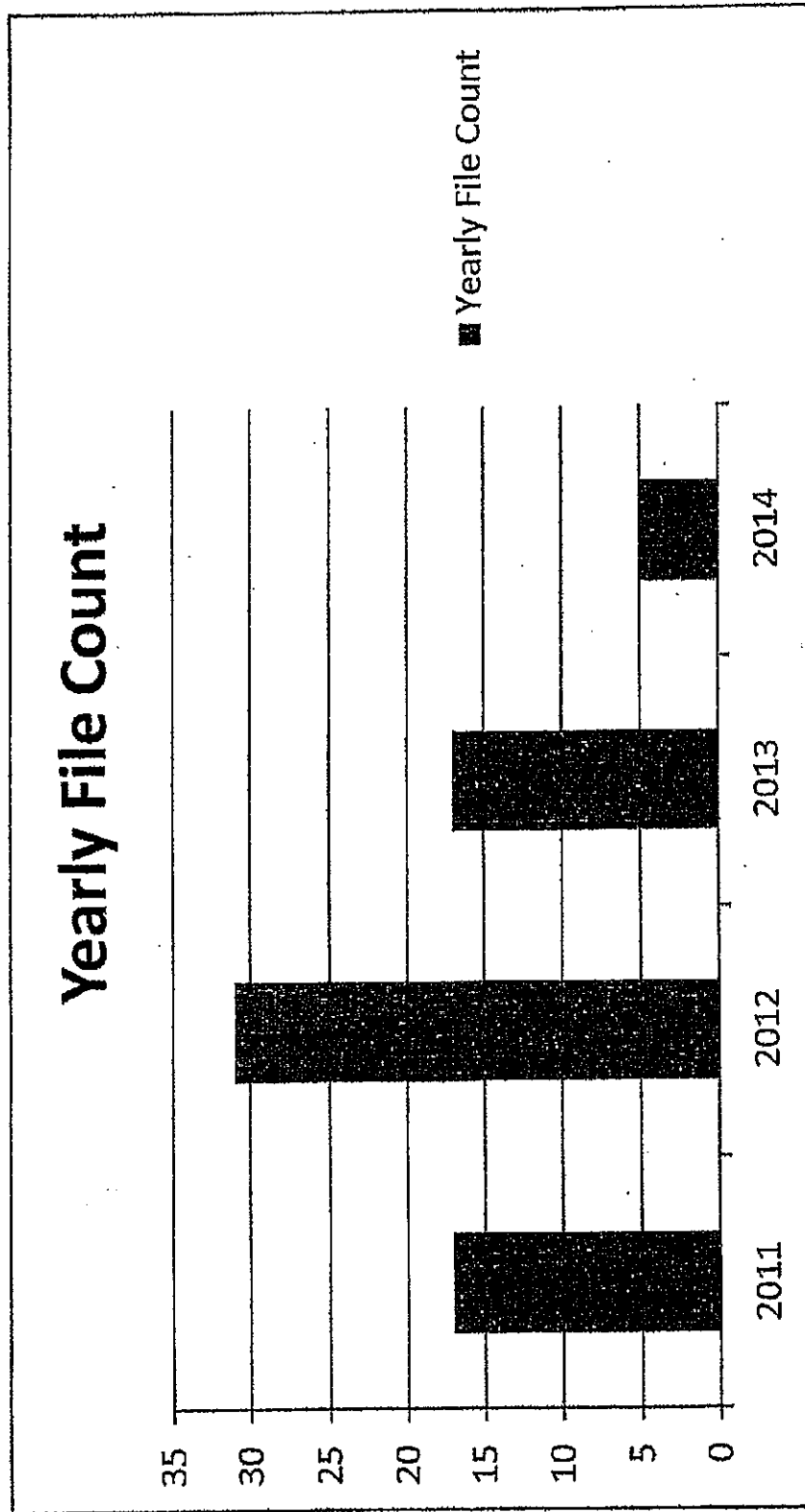
S. Allen Baker
Amelia K. Steindorff
Balch & Bingham
1901 Sixth Avenue North
Suite 1500
Birmingham, AL 35203

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) 669-4151
FAX (205) 669-8865
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 SaterTRIAL
(MISDEMEANOR)

This matter comes before the Court for trial on a complaint against the Defendant for the misdemeanor

Mena 17.00 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 Davis 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.

\$ 338 in further RECOUPMENT to the Fair Trial Tax Fund by: _____
 \$ 338 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 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

HONORABLE RONALD E. JACKSON, DISTRICT JUDGE

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

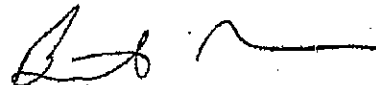
MISD-TRJLORD (REV. 10-6-08)

Appendix A - Chapter 265-X-2 Alabama Criminal Justice Information Center 	ALABAMA CRIMINAL JUSTICE INFORMATION CENTER Application to Review or Challenge Alabama Criminal History Record Information
PART I: Applicant Information	

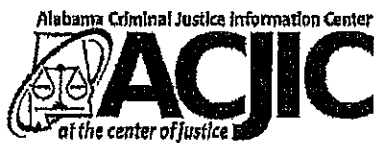
Full Name (First, Middle, Last, Suffix): Burton Wheeler Newsome
 Applicant Current Address: 7450 Dunnivant Valley Road
 City: Leeds State: Alabama Zip Code: 35094
 Alias or Nickname(s): _____ Sex/Gender: ☒ Male ☐ Female
 Social Security Number: 255-27-7001 Date of Birth: 9/4/1966 (month/date/year)
 Race: ☒ 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. 541-9-601, 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.

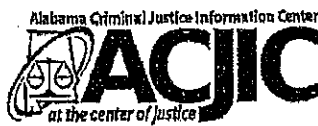
Please mail your completed application, along with the required documentation to:

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).

Appendix B – Chapter 265-X-2



Applicant Instructions
For completing the ACJIC Application to Review or
Challenge Alabama Criminal History Record
Information

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 Alabama 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 AFS 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 CHR 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 CHR 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 300650
Montgomery, Alabama 36130-0650, 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 liaison@leo.gov.

State of Alabama Unified Judicial System Form CR-65 7/2014	PETITION FOR EXPUNGEMENT OF RECORDS	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.

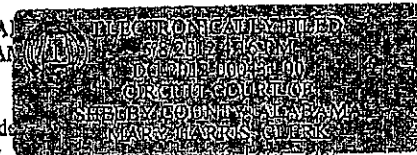
☐ I was found not guilty of the charge.

☐ *(Non-felony only)* The charge was dismissed without prejudice more than two years ago and was not refilled, 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	PETITION FOR EXPUNGEMENT OF RECORDS	Cnse No. <u>DC-2013-001434</u>
<p><input type="checkbox"/> (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.</p> <p><input type="checkbox"/> (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.</p> <p>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.</p> <p>I am providing the following additional information as required by Act # 2014-292 (codified at Ala. Code 1975, § 15-27-1 et seq.): <u>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.</u></p> <p><i>(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></p> <p>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 <input checked="" type="checkbox"/> have not <input type="checkbox"/> have previously applied for an expungement in any other jurisdiction, specifically</p> <p>_____ and, if I have applied for an expungement in any other jurisdiction, the expungement was previously <input type="checkbox"/> granted <input type="checkbox"/> denied.</p> <p>Date _____ Signature of Petitioner _____</p> <p>SWORN TO AND SUBSCRIBED BEFORE ME:</p> <p>Date _____ Person Authorized to Administer Oaths _____</p>		

IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

TRIAL
(MISDEMEANOR)STATE OF ALABAMA v. Alfred Soto

This matter comes before the Court for trial on a complaint against the Defendant for the misdemeanor of Menace 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 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, SLR 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: 05-08-12Ronald E. Jackson
HONORABLE RONALD E. JACKSON, DISTRICT JUDGEA COPY OF THIS ORDER PROVIDED TO DEPT. THIS DATE BY: REJ

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

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 checked="" type="checkbox"/> Suspect <input type="checkbox"/> Missing Person		<input type="checkbox"/> Check if Multiple	
88 Reported By (Last, First, Middle Name) Victim Or						89 Suffix		90 <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident		91 Home Phone		92 Work Phone	
94 Victim # 1						95 Victim (Last, First, Middle Name) NEWSOME, BURTUN WHEELER		96 Suffix		97 Address (Street, City, State, Zip) 7450 DUNHAM VALLEY RD, LEEDS, AL 35094		98 Home Phone 205-699-8511	
99 Victim # 1						100 Victim (Last, First, Middle Name) NEWSOME, BURTUN WHEELER		101 Suffix		102 Address (Street, City, State, Zip) 194 NARROWS DR, SUITE 103 BHAM, AL 35242		103 Home Phone 205-747-1970	
104 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		105 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B		106 English <input checked="" type="checkbox"/> Spanish <input type="checkbox"/> Other		107 HGT 5'8"		108 WGT 180		109 Date of Birth 09/04/46		110 Age 45	
111 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		112 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B		113 English <input checked="" type="checkbox"/> Spanish <input type="checkbox"/> Other		114 HGT 5'8"		115 WGT 180		116 Date of Birth 09/04/46		117 Age 45	
118 Multiple Victims <input type="checkbox"/> LE Officer		119 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		120 Injury <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		121 Offender known to victim? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		122 Victim was? (Explain Relationship) BUSINESS ASSOCIATE		123 Relationship Code		124 Relationship Code	
125 Weapons Used <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife <input type="checkbox"/> Hands, Feet, Voice, etc. <input type="checkbox"/> Other Dangerous		126 Description of Weapon/Firearm/Tools Used in Offense Describe: UNK. TYPE OF FIREARM		127 Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Unknown		128 Place of Occurrence (Enter exact street address here.) 194 NARROWS DRIVE BHAM, AL 35242		129 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"/> Other Major Injury		130 Loss of Teeth <input type="checkbox"/> Unconscious		131 Sector EAST	
132 Off # 1		133 Name (Last, First, Middle) SEIER, ALFRED WALLACE		134 SFX		135 Alias		136 Social Security # 421-44-3471		137 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B		138 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
139 Address (Street, City, State, Zip) 7091 BETHEL ROAD DORA, AL 35962		140 HGT 5'2"		141 WGT 190		142 Eye BRO		143 Hair GRY		144 Complexion MED		145 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
146 Probable Destination		147 Eye BRO		148 Hair GRY		149 Complexion MED		150 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		151 Weapon		152 Arrested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
153 Clothing		154 SFX		155 Alias		156 Social Security #		157 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B		158 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		159 Date of Birth	
160 Address (Street, City, State, Zip)		161 HGT		162 WGT		163 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		164 Language <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other		165 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		166 Weapon	
167 Probable Destination		168 Eye		169 Hair		170 Complexion		171 Armed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		172 Weapon		173 Arrested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
174 Clothing		175 SFX		176 Alias		177 Social Security #		178 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B		179 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		180 Date of Birth	
181 Name (Last, First, Middle)		182 Sex		183 Race		184 Date of Birth		185 Address		186 Contact Telephone Numbers		187 Home	
188 Name (Last, First, Middle)		189 Sex		190 Race		191 Date of Birth		192 Address		193 Contact Telephone Numbers		194 Home	
195 Name (Last, First, Middle)		196 Sex		197 Race		198 Date of Birth		199 Address		200 Contact Telephone Numbers		201 Home	
202 Witness # 1 SSN		203 Witness # 2 SSN		204 Witness # 3 SSN		205 Witness # 4 SSN		206 Witness # 5 SSN		207 Witness # 6 SSN		208 Witness # 7 SSN	
209 MR. NEWSOME STATED THAT HE WAS WALKING TO HIS VEHICLE AND SAW SOMEONE WALKING TOWARDS HIM.													
210 MR. NEWSOME THEN RECOGNIZED THE PERSON TO BE ALFRED SEIER. ALFRED TOLD MR. NEWSOME THAT THIS WAS THE LAST TIME HE WAS GOING TO FOCK 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.													
211 MR. NEWSOME IS AN ATTORNEY FOR A BANK THAT IS SUING AL'S WIFE.													
212 Continued on Supplement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		213 Assisting Agency Off		214 Assisting Agency Case Number		215 WFX		216 Warrant Signed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		217 Warrant #		218 Add. Cases Closed Narrative <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
I hereby affirm that I have read this report and that all the information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying the agency if any stolen property or missing person herein reported is returned.													
219 Signature													

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 SUI 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) SUI Also Known As Seier, Alfred Wallace				Home Address 7091 Bethel Road, Dora, AL 35062					
	Occupation				Business Address					
	DOB, / Age 5/7/1935 76		Race W	Sex M	Hgt 6'02	Wgt 190	Build	Hair Color Gray Or...	Eye Color Brown	
							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	
	YVR	Make	Model	Style/Doors	Color	Lie/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 & RELEASE ORDER

STATE OF ALABAMA V. Burton Wheeler Newsome CASE NO. DI 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
☒ 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 \$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)