



**BALCH**  
& BINGHAM LLP

S. ALLEN BAKER, JR.  
t: (205) 226-3416  
f: (205) 488-5880  
e: [abaker@balch.com](mailto:abaker@balch.com)

July 28, 2017

VIA US MAIL and VIA E-MAIL

Mr. Charles Brooks ([Email: thebrooksfirm2@yahoo.com](mailto:thebrooksfirm2@yahoo.com))  
The Brooks Law Firm, P.C.  
275 Forest Road, Suite 100  
Hueytown, Alabama 35023

Mr. Burt Newsome ([Email: burt@newsomelawllc.com](mailto:burt@newsomelawllc.com))  
Newsome Law, LLC  
194 Narrows Dr #103  
Birmingham, AL 35242

Re: *Burt Newsome v. Clark Cooper, Balch & Bingham LLP, et al.*,  
01-CV-2015-900190, Circuit Court of Jefferson County, Alabama

Dear Counsel:

As you know, I represent Balch & Bingham and Clark Cooper (“Defendants”) in the case referenced in the subject line. While I rarely write letters under the Alabama Litigation Accountability Act (ALAA), in this instance, a letter is warranted.

You have alleged that Mr. Cooper, Claiborne Seier, and John Bullock conspired to stage an “incident to set-up Newsome for possible criminal charges” and do so “under circumstances substantially similar” to a previous incident involving Mr. Newsome. These were far-fetched allegations and lacked credibility from the outset. But now they have taken a turn for the truly absurd. Plaintiffs’ recent Amended Complaint now alleges that Don Gottier—a man that not a single defendant has ever met or spoken with—somehow acted as a co-conspirator. Plaintiffs rely solely on entries for the phone number “205-410-1494” to conclude that, because Mr. Gottier spoke with each defendant at suspicious times on certain days significant to the lawsuit, he certainly had some involvement in the conspiracy between Mr. Cooper, Mr. Seir, and Mr. Bullock.

This conspiracy theory has no basis in reality, and Plaintiffs know it. Mr. Gottier’s Affidavit attached and Motion to Dismiss make this clear. *See* attached Exhibit A – Gottier Affidavit and Exhibit B – Gottier Motion to Dismiss. Before filing the Amended Complaint, Plaintiffs’ investigator contacted Mr. Gottier and asked him about the 205-410-1494 number. *See* Ex. A. Mr. Gottier and/or his son-in-law informed Plaintiffs’ investigator that Gottier has never used the 205-410-1494 number. *See id.* Mr. Gottier also informed the Plaintiffs’ investigator that he has been notified that the number has been implicated in various telemarketing and fraud

EXHIBIT

tabbles

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schemes. *See id.* Plaintiffs' investigator has gone so far as to text Mr. Gottier and apologize for dragging him into this sordid affair. *See id.*

Moreover, Mr. Gottier has submitted a Calera Police Department Report stating that the 205-410-1494 number is actually a routing number and that Verizon Wireless confirmed that Mr. Gottier was not associated with the number. A simple call to Verizon Wireless would have resolved this matter, rather than filing amended claims against Mr. Gottier and Clark Cooper and Balch & Bingham LLP that "Clark Cooper, Claiborne Seier, John Bullock, and Don Gottier staged this incident [Newsome pulling a gun on Bullock and Bullock filing menacing charges against Newsome for doing so] to set-up Newsome for possible criminal charges..." *See* Amended Complaint, p. 6. Plaintiffs directly stated in the Amended Complaint that "[t]his amendment is based on telephone records the plaintiffs first received from AT&T by email on Friday, June 23, 2017." *See* Amended Complaint, fn. 1.

And now we learn that the Calera Police Department has issued a July 3, 2017 report (Exhibit C) of identity theft on Mr. Donald Gottier (the victim) wherein it is explained that the number: 205-410-1494 is a Verizon location routing number (LRN) and is not a real telephone number. You could have done your own due diligence work on the origin of a LRN without jumping the gun and suing Mr. Gottier for conspiracy to have Newsome arrested, and by adding tort claims against the other defendants. In any event, it is clear the Amended Complaint substituting Clark Cooper for fictitious defendants and asserting claims against him for Malicious Prosecution, Abuse of Process, False Imprisonment, Outrage/Intentional Infliction of Emotional Distress, and Conspiracy are all based on the telephone records for the 205-410-1494 number, which is a LRN and not a real telephone number. These allegations are wholly groundless in fact or law.

On behalf of the plaintiffs you signed this Amended Complaint. Rule 11 of the Alabama Rules of Civil Procedure states:

The signature of an attorney constitutes a certificate by the attorney that the attorney has read the pleading, motion, or other paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay....If a pleading, motion, or other paper is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the pleading, motion, or other paper had not been served. **For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action.**

ARCP 11(a) (emphasis added). There is a lack of "good ground to support" the claims filed against Clark Cooper and Balch & Bingham LLP in the Amended Complaint, as is clear from the Plaintiffs' own investigator's confession and apology to Mr. Gottier as well as the Calera Police Report. Rather, this Amended Complaint was plainly filed to interpose delay in this action and to harass Defendants.

Because of Plaintiffs' actions, Defendants have incurred and invested—and will continue to incur and invest—substantial legal time, fees, and costs to defend against these frivolous and meritless claims that Plaintiffs have no intention or means to substantiate. It is precisely this type of burden that the Alabama Litigation Accountability Act (“ALAA”) is intended to alleviate. The Act provides the following consequences for filing frivolous litigation:

(a) Except as otherwise provided in this article, in any civil action commenced or appealed in any court of record in this state, the court shall award, as part of its judgment and in addition to any other costs otherwise assessed, reasonable attorneys' fees and costs against any attorney or party, or both, who has brought a civil action, or asserted a claim therein, or interposed a defense, that a court determines to be **without substantial justification**, either in whole or part;

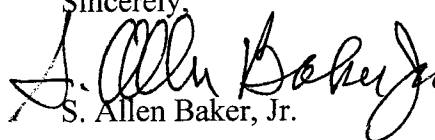
...

(c) The court **shall** assess attorneys' fees and costs against any party or attorney if the court, upon the motion of any party or on its own motion, finds that an attorney or party brought an action or any part thereof, or asserted any claim or defense therein, that is **without substantial justification**, or that the action or any part thereof, or any claim or defense therein, was interposed for delay or harassment, or if it finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct including but not limited to abuses of discovery procedures available under the Alabama Rules of Civil Procedure;

Ala. Code § 12-19-272(a), (c) (emphasis added). The Act defines the phrase “without substantial justification” as any action or claim that is “frivolous, groundless in fact or in law, or vexatious, or interposed for any improper purpose, including without limitation, to cause unnecessary delay or needless increase in the cost of litigation . . . .” Ala Code § 12-19-271(1).

Plaintiffs cannot reasonably dispute that their allegations against Defendants are “frivolous” and “groundless in fact [and] in law” and are therefore “without substantial justification.” Accordingly, the Alabama Litigation Accountability Act entitles Defendants to recover attorneys' fees and costs incurred once we prevail in this action. Moreover, pursuant to Rule 11, sanctions are in order.

With this in mind, we are demanding that you dismiss the claims against Defendants with prejudice by no later than August 18, 2017 (the extended discovery deadline). If the claims are not dismissed, we intend to move under the ALAA and Rule 11 for sanctions and attorneys' fees.

Sincerely,  
  
 S. Allen Baker, Jr.

cc: Mrs. Katie Hill  
 Mrs. Kimberly L. Bell  
 Mr. Clark Cooper  
 Mr. James E. Hill, Jr. [jimhill@stclairlawgroup.com](mailto:jimhill@stclairlawgroup.com)  
 Mr. Robert M. Ronnlund [ronnlund@sssandf.com](mailto:ronnlund@sssandf.com)

- [Property Records](#)
- [Patent Applications](#)
- [Business Registration Records](#)
- [Vehicle Sales Records](#)
- [PeopleSmart.com Affiliate Search](#)



**Don R Gottier** age 70 From: **Calera, AL** 1090 14th St, Calera, AL 35040 (205) 668-0313 Previous Addresses:  
 195 Whippoorwill Ln, Calera, AL 35040,  
 195 Whipporwill Ln, Calera, AL 35040,  
 195 Whipporwill, Calera, AL 35040,  
 352 PO Box, Calera, AL 35040 Other Phone Numbers: (205) 410-1494,  
 (205) 668-0042,  
 (205) 668-0313



**Don Gottier** From: **Calera, AL 35040** 1106 PO Box, Calera, AL 35040 Associated Businesses: DON GOTTIER



**DON GOTTIER** 1090 14TH ST , CALERA , AL 35040 County: SHELBY Phone: (205) 668-0042



**DON GOTTIER** PO BOX 352 , CALERA , AL 35040 County: SHELBY  
 1 Matches for Don Gottier in US Voter Registration Records



**DON GOTTIER** registered as a **Independent** in **AL** Address: 1090 14TH ST, CALERA, AL 35040 Phone: (205) 410-1494 Email: dgottier@aol.com

0 Matches for Don Gottier in US White House Visitor List

0 Matches for Don Gottier in Public Campaign Contributions

0 Matches for Don Gottier in Public Property Records

0 Matches for Don Gottier in US Patent Application Search

0 Matches for Don Gottier in US Business Registration Records (limited)

0 Matches for Don Gottier in Court Records Search (limited)

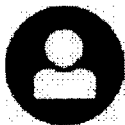
2 Matches for Don Gottier in US Vehicle Sales Records



**DON GOTTIER** purchased a **2011 GMC SIERRA 1500** Address: PO Box 1106, Calera, AL 35040-1106  
**Phone:** (205) 541-9963 **VIN:** 3GTP2WE3XBG161193



- [Property Records](#)
- [Patent Applications](#)
- [Business Registration Records](#)
- [Vehicle Sales Records](#)
- [PeopleSmart.com Affiliate Search](#)



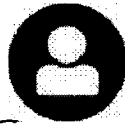
**Don R Gottier age 70** From: **Calera, AL** 1090 14th St, Calera, AL 35040 (205) 668-0313 Previous Addresses:  
 195 Whippoorwill Ln, Calera, AL 35040,  
 195 Whippoorwill Ln, Calera, AL 35040,  
 195 Whippoorwill, Calera, AL 35040,  
 352 PO Box, Calera, AL 35040 Other Phone Numbers: (205) 410-1494,  
 (205) 668-0042,  
 (205) 668-0313



**Don Gottier** From: **Calera, AL 35040** 1106 PO Box, Calera, AL 35040 Associated Businesses: DON GOTTIER



**DON GOTTIER** 1090 14TH ST , CALERA , AL 35040 County: SHELBY Phone: (205) 668-0042



**DON GOTTIER PO BOX 352 , CALERA , AL 35040** County: SHELBY

0 Matches for Don Gottier in US Voter Registration Records

0 Matches for Don Gottier in US White House Visitor List

0 Matches for Don Gottier in Public Campaign Contributions

0 Matches for Don Gottier in Public Property Records

0 Matches for Don Gottier in US Patent Application Search

0 Matches for Don Gottier in US Business Registration Records (limited)

0 Matches for Don Gottier in Court Records Search (limited)

0 Matches for Don Gottier in US New Vehicle Sales Records (limited)

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**EXHIBIT**

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STATE OF ALABAMA  
SHELBY COUNTY

)  
)  
)

AFFIDAVIT

**AFFIDAVIT OF JENNIFER CHOI**

BEFORE ME, the undersigned Notary Public for the State of Alabama at Large, personally appeared Jennifer Choi, who being known to me and being first duly sworn, deposes and says under oath as follows:

1. "My name is Jennifer Choi, and I am over 19 years of age. I have personal knowledge of the facts stated herein.

2. I am the Office Manager of Newsome Law, LLC., and I have held such position continuously since July 5, 2012.

3. As part of my duties, I am personally familiar with the operation of the electronic records and various searches online. I perform searches and view documents online almost every day.

3. On August 2, 2017, I accessed Public Records Directory and searched for First Name "Don" and Last Name "Gottier." The results showed "1 Matches for Don Gottier in US Voter Registration Records" with Don Gottier registered as an Independent in AL Address 1090 14<sup>th</sup> ST, Calera, AL 35010; Phone Number: (205) 410-1494; Email: [dgottier@aol.com](mailto:dgottier@aol.com).


4. On several occasions since August 2, 2017, I have accessed the same result on the same website.

5. Most recently, on August 11, 2017, I again attempted to access the same results however Don Gottier does not appear under the US Voter Registration Records.

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

  
Jennifer Choi

Subscribed and sworn to before me, this 11<sup>th</sup> day of August, 2017.

  
Notary Public, State at Large

My commission expires: 6/30/20

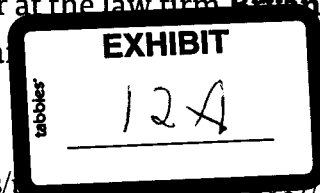
— As of this morning, Evers tells PI, “we have not received a single ethics waiver from any agency to date. We have not yet seen a response from the White House, OMB, DOJ, or any of the specific agencies that we sued, but that’s not abnormal. We’ll see them in court, that’s where they have to respond.” Federal agencies are supposed to release that information under FOIA, but the White House is not covered.

**NONPROFIT WAGES CAMPAIGN AGAINST LOBBYING FIRM:** A little-known nonprofit, **Consejo de Latinos Unidos**, is waging a campaign to convince Congress and the White House to ban **Balch & Bingham** from lobbying the Trump administration, alleging it has “engaged in a cover-up of the firm’s lobbying efforts to change Russia sanctions.” The CDLU has been after Balch & Bingham since last year, when it alleges the firm was involved in a case targeting an Alabama lawyer. More recently, the nonprofit has written letters to House and Senate leadership and administration officials such as **Kellyanne Conway**, and it launched a website, [banbalch.com](http://banbalch.com).

— One of the nonprofit’s main complaints: Balch scrubbed a mention of Russia from the biography of one of its lobbyists, **Bill Stiers**. The site previously said Stiers worked to “change specific provisions to sanctions imposed by the U.S. Government against certain Russian companies,” according to screenshots taken by the CDLU. It now says that Stiers “worked to allow U.S. Department of Defense contractors to support Allied air force.” Last week, the CDLU wrote to newly appointed special counsel **Robert Mueller**, asking him to take “a deep and closer look” at Balch & Bingham’s relationship with **Black Hall Aerospace**, the Russian company in question, during the 2016 election cycle.

— The firm — which represents clients including **Blue Origin**, **Jeff Bezos’** spaceflight company — says its website change was innocuous. Balch & Bingham “previously represented an American subcontractor to a large U.S. aerospace company, which had a contract with the U.S. Department of Defense to maintain Russian-made helicopters purchased by the Obama Administration,” the firm said in a statement. “To maintain the helicopters, the subcontractor needed to purchase Russian parts. We were retained as lobbying counsel to assist that subcontractor. All of this information is publicly available via our lobbying registrations. We recently updated content on our website to avoid any misunderstanding as to the nature of our representation.”

**FORMER OBAMA AND BLOOMBERG OFFICIALS JOIN PATH FORWARD:** The **Path Forward Coalition** has named former Obama administration official **Broderick Johnson** and former Bloomberg administration official **Robert Doar** as senior advisers. Johnson is currently a partner at the law firm **Bryan Cave** and was former assistant to the president and Cabinet secretary **Barack Obama**. His lobbying



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# CONFIDENTIAL REPORT

**Date:** July 21, 2017  
**Prepared for:** Newsome Law, LLC  
**Topic:** CNA  
**Target:** 205-410-1494

Upon receipt of your request a thorough search was conducted by one of our investigators plus a subsequent independent search by a supervisor. We were able to locate the following:

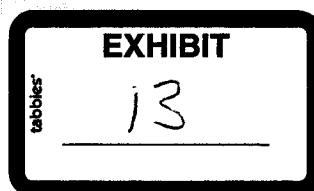
205-410-1494 VERIZON DISCONNECTED  
PREPAID  
DONALD GOTTIER JR  
PO BOX 1106  
CALERA AL 35040

Please let us know if you have any questions.

Thank you for your business.

*This report contains confidential information and is not to be distributed to anyone other than the intended recipient named above. Distribution to any other entity in whole or in part is strictly prohibited.*

.....





**Burt Newsome**

---

**From:** PDJ Services Billing Dept <Billing@pdjservices.com>  
**Sent:** Friday, July 21, 2017 9:53 AM  
**To:** Burt Newsome  
**Subject:** RE: 205-410-1494

**Importance:** High  
**Sensitivity:** Confidential

Hi Burt,

The carrier is Verizon, and *Prepaid means there is no contract.*  
*Its pay as you go – what people call a throw away phone.*

Thanks & Have a Great Day !

*Mendy Parker*



[mendy@PDJServices.com](mailto:mendy@PDJServices.com) || Direct 1-800-298-1153 ||

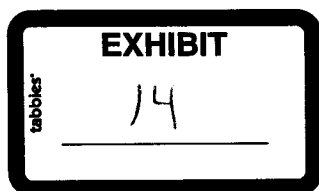
**Important Note:**

This report does not constitute a "consumer report" as that term is defined in the federal Fair Credit Reporting Act, 15 USC 1681 et seq. (FCRA). Accordingly, we may not be used in whole or in part as a factor in determining eligibility for credit, insurance, employment or another permissible purpose under the FCRA.

**CONFIDENTIALITY NOTE:**

This e-mail contains confidential information and is intended solely for the use of the individual named on this transmission. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. If you are not the intended recipient of this e-mail please destroy this message immediately.

**From:** Burt Newsome [mailto:Burt@newsomelawllc.com]  
**Sent:** Friday, July 21, 2017 9:20 AM  
**To:** PDJ Services Billing Dept





First and Last Name\*



## Owner Information

**Don Gottier****Age:** Mid 70s**Born:** October 16

CALERA, AL

Send Letter by Mail

**Postal Relay Service**

EMAIL ADDRESS

No records found



CURRENT PHONE

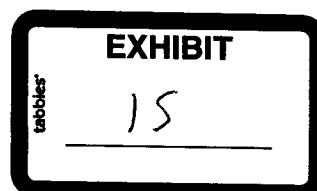
Number: 205-410-1494

Line Type: Cell Phone

Carrier: Cellco Partnership dba Verizon Wireless - AL

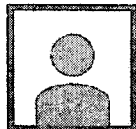


## Phone Numbers



(/dashboard/)

Q



## Don Gottier (/dashboard/search/person/?first=don&middle=r&last=gottier&state=AL)

(205) 410-1494 (tel:(205) 410-1494)

1090 14th St, Calera, AL 35040-6311

Download PDF

Share Report

View Background Report

(/dashboard/search/person/?first=don&amp;middle=r&amp;last=gottier&amp;state=AL)

### Phone Owner: Don Gottier

 Flag As  
Inaccurate:

 Rate This  
Section:

This section contains the line information &amp; carrier of the phone.

### Phone Results for (205) 410-1494 (tel:(205) 410-1494)



Name

**Don Gottier**

Other people possibly associated with this number

**Donald Gottier**
 Possible Photos:  
Click to view


Remove

### Phone & Carrier Information

Owner Name

Don Gottier (/dashboard/search/person/?first=don&amp;middle=r&amp;last=gottier&amp;state=AL)

Phone Number

(205) 410-1494 (tel:(205) 410-1494)

Line Type

Mobile

Carrier

Cellco Partnership Db a Verizon Wireless - AL (Verizon Wireless)

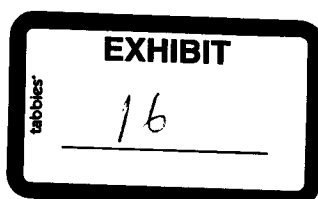


Connected

No

Prepaid

No



**Burt Newsome**

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**From:** Baker, Allen <ABAKER@balch.com>  
**Sent:** Thursday, August 03, 2017 2:52 PM  
**To:** thebrooksfirm2@yahoo.com; Burt Newsome  
**Cc:** 'Robby Ronnlund'; Hill, Katie; Bell, Kimberly; Baker, Allen; Burt Newsome; Robinson, Becky; thebrooksfirm2@yahoo.com; Jennifer Choi; dgottier@bellsouth.net  
**Subject:** FW: Notice of Subpoena Filing - 01-CV-2015-900190.00 - CCS  
**Attachments:** Filing.pdf

Charles---why do you continue to harass Mr. Gottier by subpoenaing him to a deposition after he is dismissed from this case? It really does violate all bounds of civility and professionalism .

S. Allen Baker Jr., Partner, Balch & Bingham LLP  
 1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642  
 t:(205) 226-3416f:(205) 488-5880e: abaker@balch.com www.balch.com

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

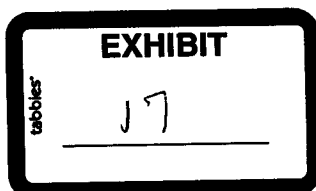
**From:** AlaFile E-Notice [mailto:enotices@alafile.com]  
**Sent:** Thursday, August 03, 2017 1:23 PM  
**To:** Baker, Allen  
**Cc:** Robinson, Becky  
**Subject:** Notice of Subpoena Filing - 01-CV-2015-900190.00 - CCS

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

FILED ON 8/3/2017 1:22:10 PM

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**Burt Newsome**

---

**From:** Baker, Allen <ABAKER@balch.com>  
**Sent:** Wednesday, August 02, 2017 1:08 PM  
**To:** thebrooksfirm2@yahoo.com  
**Cc:** Hill, Katie; Bell, Kimberly; 'Robby Ronnlund'; Burt Newsome  
**Subject:** newsome v. Balch, et al

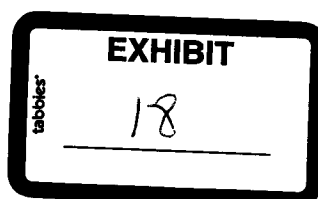
Charles---Since the Court has dismissed the amended complaint and the whole 410 phone number conspiracy claim with it, do you still intend to take the deposition of the Calera police/detective and Sharon Lawson and her kin?

**BALCH**  
A BINGHAM LLP

S. Allen Baker Jr., Partner, Balch & Bingham LLP  
1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642  
t: (205) 226-3416 f: (205) 488-5880 e: abaker@balch.com  
[www.balch.com](http://www.balch.com)

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State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	<b>ORDER TO APPEAR (SUBPOENA)</b>	Case Number CV-2015-900190
--	---------------------------------------	-------------------------------

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
(Circuit, District, or Municipal) (Name of County or Municipality)

☒ State of Alabama  
☐ Municipality of \_\_\_\_\_ v. \_\_\_\_\_, Defendant  
☒ Plaintiff Newsome Law, LLC & Burton W. Newsome v. John Bullock, Jr., Clark Andrew Cooper, et al., Defendant

☐ (For Juvenile cases only):  
 In the Matter of: \_\_\_\_\_, a child

[ AT&T Billing Southeast, LLC  
 c/o C T Corporation System  
 2 North Jackson Street, Suite 605  
 Montgomery, AL 36104 ]

[  
 ]

A. Issued at the request of:

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand jury

B. Special Instructions  
 You are ordered to:

- ☐ Appear at trial
- ☒ Produce records or documents-See attached schedule(s)
- ☐ Appear at deposition
- ☐ Other \_\_\_\_\_

You may contact: Burt Newsome, 194 Narrows Drive, Suite 103, Birmingham, AL 35242 (205) 747-1970

---

**YOU ARE ORDERED TO APPEAR** to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: January 20, 2016

TIME: 9:00 a.m.

ROOM: \_\_\_\_\_

ADDRESS: Newsome Law, LLC  
194 Narrows Drive, Suite 103  
Birmingham, AL 35242

Date Issued \_\_\_\_\_

[      ]

Signature of Court Clerk \_\_\_\_\_ Deputy Clerk Initials \_\_\_\_\_

**ADDITIONAL INSTRUCTIONS**

Any inspection or production of documents or records must be completed within 15 days.

1. All phone call, text and data history to and from any AT&T phone numbers associated with John Franklin Bullock, Jr. (SSN of XXX-XX-4210, birth year of 1966) and/or associated with his following addresses:  
 \*3508 Cogswell Ave, Pell City, AL 35125  
 \*287 HWY 336, Chelsea, AL 35043

during the time frame of:  
 \*November 1, 2012 ~ January 31, 2013  
 \*April 1, 2013 ~ May 31, 2013  
 \*January 1, 2015 ~ January 31, 2015

---

**TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON:** You are ordered to serve this Order on the above-named person and make return to this court.

---

**RETURN ON SERVICE**

I certify that I personally delivered a copy of this order to \_\_\_\_\_ on \_\_\_\_\_

Signature and Title of Server \_\_\_\_\_

(For Criminal cases only)

☐ Served by mail  
 Date mailed \_\_\_\_\_

[      ]

Sheriff \_\_\_\_\_ Deputy Sheriff \_\_\_\_\_

**EXHIBIT**  
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## 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; et al.,  
 Defendants.

CASE NO.: CV-2015-900190

**CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS**

TO: AT&T Billing Southeast, LLC  
 c/o C T Corporation System  
 2 North Jackson Street, Suite 605  
 Montgomery, AL 36104

You are hereby commanded to do the following acts at the instance of the Plaintiff within fifteen (15) days after service of this Subpoena:

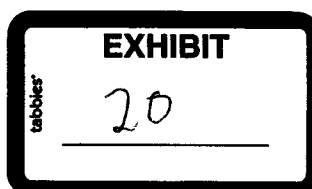
The Plaintiff requests that you produce the following documents for inspection and copying at the office of CHARLES I. BROOKS, THE BROOKS LAW FIRM, P.C., 275 FOREST ROAD, SUITE 100, HUEYTOWN, AL 35023 during regular business hours before the expiration of fifteen (15) days from the date of service of this request:

**Certified copies of any and all communications between you and any parties to the case 01-CV-2015-900190 or the counsels to any parties to the case 01-CV-2015-900190, including but not limited to e-mails, letters, and telephone conversation with Robert Ronnlund asking or requesting that you do not comply to the Subpoena issued at the request of the Plaintiffs, Burt Newsome and Newsome Law, LLC.**

**If the communication between the parties or counsels of parties and you are oral, please provide a written statement which summarizes the details of the communication.**

The Plaintiff will pay all ordinary, reasonable and necessary expenses incurred by the nonparty in connection with such production.

The nonparty may comply with this request and with the civil subpoena for production of documents served upon the nonparty by mailing the requested documents or certified copies thereof to the attorney of record, together with a copy of this request. In such event, an invoice for any reasonable expenses incurred by nonparty should be enclosed for payment.



# SCOTT, SULLIVAN, STREETMAN & FOX, P.C.

ATTORNEYS AT LAW

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January 16, 2016

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GEORGIA BAR

A T & T Billing Southeast, LLC  
c/o CT Corporation System  
2 North Jackson Street, Suite 605  
Montgomery, AL 36104

Re: In the Circuit Court of Jefferson County, Alabama  
Civil Action Number: CV-2015-900190  
205-678-4179; 205-678-8649; 205-956-3634;  
205-542-2390 and 205-648-2977

To Whom it May Concern:

This is to advise you that I represent Claiborne Seier concerning the above referenced matter. This is to notify you that an objection has been filed regarding the deposition subpoena that requested you produce certain records associated with the target referenced above.

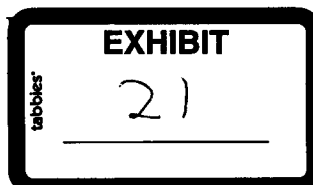
Absent a valid court order, please do not produce any documentation.

Should you have any questions, or need any further information, please do not hesitate to contact my office.

Sincerely,

/s/ Robby Ronnlund

RMR/crg







# SCOTT, SULLIVAN, STREETMAN & FOX, P.C.

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August 8, 2017

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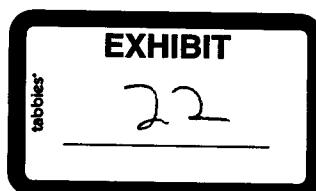
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<sup>4</sup> ALSO MEMBER OF FLORIDA BAR  
<sup>5</sup> ALSO MEMBER OF MISSISSIPPI AND  
 GEORGIA BAR  
<sup>6</sup> ALSO MEMBER OF TEXAS BAR

Hon. Carole Smitherman  
 Jefferson County Courthouse  
 716 Richard Arrington Jr. Blvd.  
 Birmingham, AL 35203

RE: *Burt W. Newsome v. Cooper, Balch & Bingham, John W. Bullock, Jr.*  
*Claiborne Porter Seier*  
 In the Circuit Court of Jefferson County CV-2015-900190

Dear Judge Smitherman,

I am writing to you today in response to your request for additional proposed orders related to the pre-trial publicity and/or case confidentiality, as well as bring you up to speed on some additional developments in the case that I believe you should be aware of as you make your decision on this issue. As someone who does not regularly practice in the area of First Amendment law, I frankly do not consider myself to have the expertise necessary to draft an Order for the Court that I feel confident would both address the issues set forth below and withstand an appeal. My client accordingly adopts and joins in the motion and proposed order submitted by Balch & Bingham. I do not know if there is anything more or additional that the Court can do to address these issues but, as I will set forth below, I have grave concerns about the active subversion of our potential jury pool that is currently being undertaken in this case. The current protective order is being tested (if not blatantly disregarded), and stronger action is clearly needed.



Judge Smitherman  
August 8, 2017  
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Herewith, I include the latest missive from the “BanBalch” website providing commentary on behalf of the Plaintiff related to recent developments in this case. **This post directly questions and impugns the credibility of the parties and their attorneys of record in this case, local law enforcement, and even the Court itself.**

As context, I noticed and completed the deposition of Verizon Wireless last week. While this deposition was completely unnecessary in my opinion given the other information received on the issue of this telephone routing number, 205-410-1494, we were forced to complete the deposition (at significant expense) to prove these facts up in admissible form. As we expected, the deposition testimony confirmed that the supposed “lynchpin” of Plaintiffs’ conspiracy allegations – the phone number 205-410-1494 – was nothing more than an internal Verizon Wireless routing number, and that all that number meant in the context of the Defendants’ phone bills was that they had received a call from a non-specific Verizon Wireless subscriber. It did not mean that these calls originated from a specific number, and it confirmed that the number was not connected to Mr. Gottier or any other party to this case. The number has not belonged to any individual, nor has it been used for any purpose other than a Verizon routing number since at least 2007. I am providing the Court with a copy of that transcript, wherein I have highlighted some of the relevant sections from the deposition setting this out in further detail.

On cross-examination of the Verizon representative, Mr. Newsome (who personally conducted the deposition on behalf of the Plaintiffs) raised a number of points in an effort to attack the clear and unambiguous testimony given by the witness in these regards. Specifically, Newsome:

- (1) Questioned the witness’s identity and credentials (Deposition of Jason Forman at pp. 21-23);
- (2) Questioned the location of the deposition (which was held at another building across the parking lot and in the same office complex as the Verizon Security Assistance Team offices in Bedminster, New Jersey) (Deposition of Jason Forman at p. 22);
- (3) Questioned why the witness voluntarily appeared pursuant to a deposition notice issued by my office versus being compelled to attend via a unilaterally issued subpoena (Deposition of Jason Forman at pp. 6; 25-27);
- (4) Questioned why the witness appeared on an expedited basis (Deposition of Jason Forman at p. 29); and
- (5) Questioned whether or not the Calera Police Department had instructed Verizon to suppress information related to the subject phone number/routing number to

Judge Smitherman

August 8, 2017

Page 3

support the Defendants' contentions in this case (Deposition of Jason Forman at pp. 45-47).

I would urge the Court to compare these lines of questioning to the substance of the latest "BanBalch" post, wherein the author identically:

(1) Questioned the witnesses' identity and credentials ("Was the July 31st Verizon deposition in New Jersey bogus or not and if the person testifying was truly a person sanctioned to do so or not?" and "Was the person testifying truly who he or she said they were or could it have been an imposter?");

(2) Questioned the location of the deposition ("The video-taped sealed deposition supposedly took place at a Regus Center (a rent by the hour office space facility) in Bedminster, New Jersey (pictured above)...That raised a huge red flag because Verizon has the facilities and technology to do depositions on their premises.");

(3) Questioned why the witness voluntarily appeared pursuant to a deposition notice issued by my office versus being compelled to attend via subpoena ("Then a notice of a questionable deposition with a Verizon corporate representative (occurring with NO SUBPOENA and less than 48 hours' notice) was filed on Thursday afternoon. According to Alacourt.com, NO subpoena for Verizon was ever filed with the court.");

(4) Questioned why the witness appeared on an expedited basis (See previous quote); and

(5) Questioned the witness about whether or not the Calera Police Department had instructed Verizon to suppress information related to the subject phone number/routing number to support the Defendants in this case ("Last week, a filing including [sic] a highly questionable Calera (Alabama) Police Department document, we began seeing the alleged narrative that the (205) 410-1494 number was not a cell phone but a 'routing switch.' "; "Is corrupt law enforcement working with the co-conspirators across state lines?"; and "Have records and information stored about the prepaid cell number 205-410-1494 internally at Verizon been intentionally manipulated, changed, modified, or destroyed?").

Despite the clear evidence adduced from Mr. Forman on behalf of Verizon during this deposition (as well as the clear rebuttal of these points of contention by the witness and the refusal to budge from his original testimony), the website then goes so far as to call this Honorable Court's own credibility into question by stating:

Judge Smitherman  
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Page 4

**“After** the sealed deposition with Verizon took place on Monday July 31st, Balch filed a motion to dismiss Newsome’s amended complaint calling the cell phone number allegation a “‘falsity’ and the judge, this week, **without a hearing**, signed the order.

In less than a week, the key witness— (205) 410-1494— was assassinated, cremated, and buried. **Slam dunk or can you say the fix was in?** (Some emphasis in original, underlined emphasis supplied).

Judge Smitherman, clearly this has gone much, much too far. As I said when we were last in Court regarding this number, we believed that this was some type of internal phone number owned by Verizon (based on initial information that I had obtained from AT&T’s legal team), but I also said that we supported discovery on the issue and that I was more than happy to “give the Plaintiffs all the rope they needed to hang themselves with.” Recall that Plaintiffs’ counsel responded to that offer by stating that they would either “happily” or “gladly” accept all of the rope offered to them.

We are now at the point, however, where that rope has snapped taught and the newest falsity asserted against the Defendants in this case has been exposed for its true nature. It is certainly not the first such false allegation that has been presented and rebutted in this case, and I fear it also will not be the last.

In response to this rebuttal, we then see nothing more than an escalation of the vitriol being publicized, and the similarities between the questions posed by the Plaintiffs and the statements issued by this supposedly unconnected third-party are too similar to have occurred by mere coincidence. Again, our current protective order is certainly being tested, if not ignored.

Combined with the fact that ads for this website are being paid to specifically appear on Facebook, Google and other ad promotion services for people who live in the ZIP codes from which our jury will be drawn, these actions give me an extreme amount of heartburn – both as an attorney-of-record for one of the parties in this particular case and an officer of this Court generally – about how we could ever have a fair trial given these circumstances. This is to say nothing of TV advertisements, which we also know have been run on local TV. We have now gone beyond a merely slanted version of facts related to this case, to accusations of outright fraud and malfeasance against (1) the parties and their counsel; (2) neutral witnesses appearing to provide objective facts; (3) local law enforcement; and, most shockingly, (4) even this Court – none of which have any factual

Judge Smitherman

August 8, 2017

Page 5

grounding in reality. Even if jurors try not to research this case and stumble across these posts (a longshot as the Court is well aware), the advertising being done will put it right in front of their face regardless.

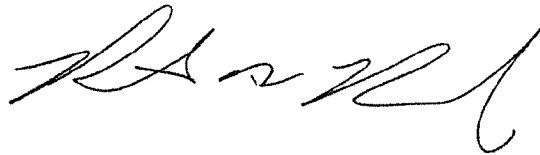
We will be filing a Motion for Summary Judgment shortly asking for the Court to dismiss this case as to my client, Claiborne Seier. In the event that the Court finds some issue of material fact exists warranting trial, however, I fear that we will be forced to move for a change of venue and some kind of gag order. I understand that both of these steps are both highly unusual and disfavored at law, and that serious Constitutional concerns are implicated. I also personally do not want to take this type of extreme action, given the cost and delay that it could entail for my client, who is having to fund his defense out-of-pocket. At the same time, I do not see how we could do anything else (save for attempting to jump off into the mud pit with the Plaintiffs) to combat these actions and ensure a fair and impartial result for my client.

I appreciate the sensitivity that you have shown to these issues, and know that you have a broad knowledge base to draw from due to your history both working and teaching in these areas of law. In considering these issues, however, I wanted to make sure that you have a full sense of situation in which we currently find ourselves, and we would reiterate our request that the Court take the strongest measures that it feels would be appropriate to address this very troubling situation.

I appreciate your time and consideration in this matter. Please do not hesitate to contact me with any questions or concerns.

Yours truly,

**SCOTT, SULLIVAN, STREETMAN & FOX, P.C.**

A handwritten signature in black ink, appearing to read 'RMR', written over a horizontal line.

Robert M. Ronnlund

RMR/crg

cc: Claiborne P. Seier, Esq.  
All counsel of record (via email)



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REAL-TIME NEWS FROM AL.COM

## Meet 'Attorney #1' and 'Employee #1' from Rep. Oliver Robinson's bribery plea

25

Updated on June 28, 2017 at 8:59 AM

Posted on June 28, 2017 at 8:56 AM



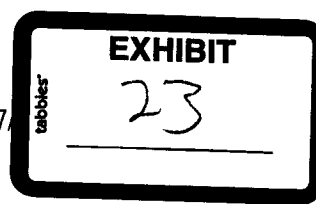
Documents from federal prosecutors don't name names, but the details leave only two people who fit their description, Drummond Co. vice president David Roberson and Balch & Bingham partner Joel Gilbert.

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By **Kyle Whitmire**, [kwhitmire@al.com](mailto:kwhitmire@al.com)

When federal prosecutors announced a plea deal with a former state lawmaker last week, there were two big placeholders in the documents provided to the public: Attorney # 1 and Employee # 1.

While he served in the Alabama House, Rep. Oliver Robinson accepted bribes from these two men, prosecutors said. In exchange, Oliver helped resist an effort to expand a Superfund site in north Birmingham, according to court documents.



While those documents omit the names of the individuals, they contain enough detailed information about Robinson's activities to identify both of the other parties, as only one attorney and one Drummond employee fit the narrow criteria of state-registered lobbyists involved in the particular activities. Those would be Balch partner Joel Gilbert and Drummond Co. Vice President of Government and Regulatory Affairs David Roberson.

Neither Roberson nor Gilbert responded to voicemail messages left seeking comment for this story.

A spokeswoman from Balch repeated a previous statement the company released after Robinson's plea deal and declined to say whether Gilbert still worked with the company. Drummond's website says that Roberson handles press inquiries for the company.

According to Robinson's plea documents, Attorney # 1 and Drummond Employee # 1 were both registered with the Alabama Ethics Commission as lobbyists.

According to Ethics Commission records, two lawyers at Balch were registered to lobby in 2015. Gilbert is the only one of those two attorneys who was among a team of lawyers described in the document. That team was working on the north Birmingham Superfund case.

Likewise, Roberson was one of two people registered with the Alabama Ethics Commission to lobby for Drummond in 2015.

However, the Robinson plea deal says that Employee # 1 also organized a nonprofit, the Alliance for Jobs and the Economy as a pipeline for Robinson's fees. Tax records show Roberson is president and chairman of that nonprofit and the only one of its two officers who were registered to lobby.

Federal prosecutors said last week that the investigation will continue and that Robinson was already assisting in those efforts.



STATE POLITICS

JULY 05, 2017 10:30 AM

## FBI investigates whether ex-DEQ Director Fisher gained from BP contracts

BY ANNA WOLFE

*The Clarion-Ledger*

Two Mississippi women — a state agency director and a private contractor — called the shots in the aftermath of the largest oil spill in the nation's history, drawing the scrutiny of the FBI.

Before the state reached a final settlement with BP, the company responsible for the Deepwater Horizon oil disaster of April 2010, both women left their respective positions with the agency leading the efforts, the Mississippi Department of Environmental Quality.



In the three years since Director Trudy Fisher's resignation, federal investigators have looked into DEQ's activities under her leadership. The probe looks at contracts granted by DEQ in an attempt to determine whether Fisher personally benefited from them, according to multiple sources with knowledge of the investigation, including several people who have been interviewed by the FBI.

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Under Fisher, private contractor and attorney Amy Whitten reaped nearly \$2 million in DEQ contracts, either directly with the agency or through subcontracts with law firm Balch & Bingham. Whitten, a well-known state contractor, had worked with a number of agencies and secured four previous DEQ contracts before Fisher took over the agency.

The first during Fisher's tenure was a \$375,700 contract to The Whitten Group for staff training services. Former DEQ Director Charles Chisolm granted the contract, but Fisher signed it when she took office in January 2007.



**Where do the millions of BP dollars go?**

Gary Rikard, director of the Mississippi Department of Environmental Quality, explains on July 22, 2015, how the money from the BP oil spill settlement will be distributed. Rikard became director of MDEQ in 2014 after Trudy Fisher resigned.

**John Fitzhugh** - jcfitzhugh@sunherald.com

---

The agency awarded and extended many of Whitten's contracts as millions began flowing into the state from BP following the oil spill. Early BP payments and the following settlement will ultimately result in nearly \$2.2 billion for Mississippi, much of which will be paid out over the next 15 years.

Fisher, 57, and Whitten, 63, headed initial damage assessment efforts in Mississippi, Fisher as the federal representative for the state and Whitten as the alternate.

Neither returned multiple calls to The Clarion-Ledger for this story.

In keeping with FBI policy, a spokesperson from the bureau's Jackson office would not confirm or deny whether the matter is under investigation.

Fisher announced her resignation in May 2014. This came just one week after her agency's wholesale redaction of public records came under fire during a Hinds County Chancery Court hearing. DEQ blacked out hundreds of pages of Balch & Bingham and Whitten invoices totaling roughly \$6 million.

Purchases included first-class airfare for Fisher and Whitten at \$1,774 per ticket in July 2012, as detailed on an invoice from Whitten to Balch & Bingham. The exact date, reason for and destination of their trip was not included.

Balch & Bingham attorney Teri Wyly, who led the firm's DEQ contract, said last week that she remembers taking two trips with Whitten and Fisher that July — one to San Antonio for a meeting with other state restoration leaders and one to Atlanta to meet with BP representatives. It was the first possible explanation given for the travel in three years of inquiries.

Political and research consultant Michael Rejebian, working for an undisclosed client, requested the DEQ records as part of a larger request that included thousands of pages of invoices, contracts and procurement records from various state agencies. Rejebian sued over DEQ's redactions on invoices from the Balch firm and Whitten.

During a May 2014 hearing, attorneys for Rejebian pointed out that the Mississippi Development Authority provided him with the same kind of invoices without redactions. Those invoices also had been submitted by Balch & Bingham.

But DEQ attorneys argued the redactions were protected by attorney-client privilege. They even speculated Rejebian could have been working for BP, against which the agency anticipated taking legal action.

Hinds County Chancery Judge Denise Owens initially ordered defendants to produce unredacted statements from The Whitten Group in December 2014. Then, in March 2015, Owens reversed herself on a motion to reconsider, saying the documents constituted attorney work product and would remain redacted.

Though he requested records explaining how the Balch firm selected Whitten for the subcontract, Rejebian said he never received documentation supporting the decision.

Rejebian's client remains confidential, but he released a written statement when asked in June why he started pursuing the records related to the oil spill:

"The BP settlement represents a once-in-a-lifetime opportunity for Mississippi to make real and lasting differences for generations to come," Rejebian said in the statement. "So it's incumbent upon the stewards of these funds to ensure it's being spent in a completely transparent manner. When you're dealing with such large amounts of money, misappropriation is always an issue that must be watched carefully. Hopefully, the taxpayers aren't being shortchanged."

'Mainly working with Trudy' Wyly said her firm hired Whitten, whom Balch & Bingham knew well, for her negotiation and mediation skills. She was instrumental to the state's case against BP, Wyly said.

Whitten's subcontract details consulting, community engagement and organizing responsibilities for the agency as a result of the BP oil spill in the Gulf of Mexico.

In an interview with The Clarion-Ledger in February, former DEQ Director of Administration Keith Harkins said Whitten's role with the agency after the BP crisis was "mainly working directly with Trudy" in "assisting with some of the logistical issues."

Attorneys were needed prior to the settlement to assess the damage and prepare for a case against BP. Whitten spent time on the Coast with DEQ officials after the oil spill.

"I knew that she was on the scene a good bit of the time working with local officials," Harkins said.



Amy Whitten, seen here in a 2008 appearance before the Legislature, received several contracts related to the aftermath of the 2010 BP oil spill. The Clarion-Ledger File

< 1 of 2 >

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# Eau de Bull: A Cologne of Arsenic and Environmental Racism for Acting Assistant Attorney General Jeffrey Wood



Ian Graber-Stiehl

6/28/17 10:39am • Filed to: POLITICS

6.8K 14 9

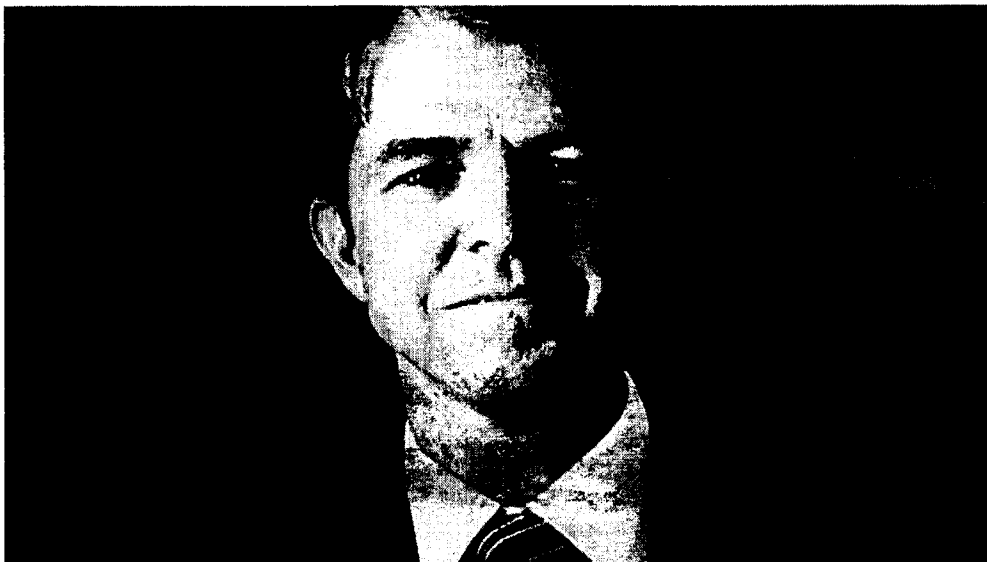


Photo illustration by Elena Scotti/The Root/GMG; photos via Balch & Bingham, Shutterstock

The Justice Department's Environmental and Natural Resources Division is responsible for enforcing compliance with federal environmental laws. So to find that the fingerprints of coal lobbyist-turned-ENRD acting Assistant Attorney General Jeffrey Wood are on an environmental-racism scandal is, actually, pretty par for the course with the Trump administration.

In 2011, the Environmental Protection Agency found elevated levels (pdf) of arsenic, lead and carcinogenic hydrocarbons—courtesy of a nearby coking plant—near 35th Avenue in the black neighborhood of North Birmingham, Ala. The EPA established the neighborhood as a Superfund site, a class of highly polluted areas where contributions from culpable polluters and the government pay for cleanup. In 2013 the EPA and the original offender, Walter Coke, argued that four other companies were also likely responsible for the pollution, including two clients of nearby law firm Balch & Bingham: Drummond and ABC Coke.

Over the next two years, the agency pushed to add the site to its National Priorities List, or NPL—which would have granted more authority to require those implicated to fund cleanup initiatives. It also proposed extending testing to Tarrant, a neighborhood a mile northeast of 35th Avenue. Pushback from business interests and politicians was swift and fierce: In 2014, then-Alabama Attorney General Luther Strange argued that the state wouldn't provide any funding for the cleanup, and in 2015, Drummond and Balch & Bingham sued the EPA (pdf).

Then an unlikely ally emerged for Balch & Bingham's clients: Oliver Robinson. The charismatic basketball player-cum-58th District congressman had long been involved in the local community through his galas celebrating black achievement and his charity, the Robinson Foundation. Now he was striking a markedly different tone.

Spearheading a horseshit-sandwich campaign contradicted by EPA evidence, Robinson argued that the soil testing would lower property values. His daughter helped stoke distrust in the feds, sending out dissuading emails and erecting signs urging folks to "Get Smart Tarrant—Don't Let EPA Fool You!" Ultimately, the NPL proposal died. The implicated companies have yet to contribute to the cleanup, and Robinson resigned last year—but not before taking bribes and implicating Wood, the acting assistant attorney general entrusted with protecting the environment, in a scandal.

After an investigation by two agencies, Robinson entered a plea agreement June 22 on charges of conspiracy, bribery and fraud for using his nonprofit to funnel a \$134,000 payment from Balch & Bingham and \$30,000 from Alabama Power—a subsidiary of Southern Co., one of the largest and most politically powerful coal-dependent utility groups, and Balch & Bingham's biggest client.

During that time, Balch & Bingham's point lobbyist for Southern Co. and Alabama Power was a brilliant partner by the name of Jeffrey Wood. Before that, in 2014, Wood was also counsel for Alabama Sen. and Keebler elf-turned-Attorney General Jeff Sessions.

Now, as acting assistant attorney general of the ENRD, Wood has the job of enforcing laws related to the environment, natural resources, health and pollution—prosecuting environmental crimes and defending against lawsuits challenging environmental protection.

That Wood was lobbying a week before assuming the ENRD job on Donald Trump's inauguration day might sound as if it violates Monsieur Great Again's marquee, swamp-draining ban on former lobbyists taking positions that give them oversight over their old lobbying interests. In practice, Wood was simply recused from presiding over issues (pdf) related to several dozen firms, companies and cases—including, *specifically*, the North Birmingham Superfund site.

In fact, Wood—Balch & Bingham's go-to Southern lobbyist—was specifically recused from touching the Superfund site, and during his tenure at the law firm, he was one of its few lobbyists with Superfund policy expertise. Shortly after the Robinsons' campaign, he even shifted to lobbying on Superfund policies on Capitol Hill.

To be legally safe here, none of this is to say that Wood had direct involvement in Robinson's misinformation campaign or bribery. Robinson acknowledged taking bribes from a partner, but that partner remains unnamed.

*The Root* reached out to Wood and several of his associates from his tenure with Sessions and Balch & Bingham, but the only response, after we were redirected to the law firm's public relations person, was, "Each of our lobbyists file registrations describing their lobbying activities," a reference back to the very lobbying disclosure forms we hyperlinked in an email to them.

Luckily, we might soon find out more about the extent of Wood's involvement. After Balch & Bingham was dragged before a federal grand jury in March, and Robinson specifically mentioned working with one of their partners, there's sure to be a follow-up.

What's more, the Trump-Russia investigation's special counsel is looking into Balch & Bingham and Wood, thanks to K.B. Forbes, leader of the advocacy group Consejo de Latinos Unidos, or CDLU. He publicized the law firm's ties to Black Hall, a Russian-linked aerospace company (which was originally going to host the rally where Sessions endorsed Trump). Afterward, Balch & Bingham's website and the résumé of the lobbyist who successfully changed Russia sanctions on Mi-17 helicopters—Black Hall's bread and butter—were scrubbed of all mention of the company.

In response, Forbes submitted his research to special counsel Robert Mueller and the Senate Intelligence Committee, who are currently reviewing Balch & Bingham's affairs.

For now, we're left with just results of a smell test: Something smells like arsenic, aromatic hydrocarbons and bullshit, and it could be that the man charged with prosecuting on behalf of the environment is complicit in a scandal of economic and environmental racism, and boasts sprawling conflicts of interest that could ensure many of his energy- and utilities-related decisions turn a profit for old employers.



**Burt Newsome**

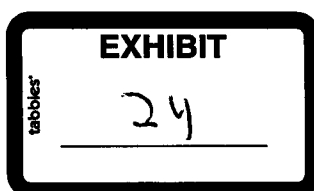
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**From:** Don Gottier <dgottier@bellsouth.net>  
**Sent:** Saturday, July 29, 2017 12:13 PM  
**To:** Burt Newsome  
**Cc:** thebrooksfirm2@yahoo.com; Robby Ronnlund  
**Subject:** deposition

Good afternoon Mr. Newsome,

Just a note, I will not be in attendance at your office on Monday, July 31st.

Regards,  
Don Gottier



August 11, 2017

The Brooks Law Firm, PC  
**Attention: Charles I. Brooks**  
275 Forest Road, Suite 100  
Hueytown, AL 35023

**RE: Burt W. Newsome ET AL V. Clark Andrew Cooper ET AL**  
**Request for Deposition**

Mr. Brooks & Mr. Newsome:

I am in receipt of your subpoena requesting that I appear at Mr. Newsome's establishment on August 17, 2017 for a deposition.

Please note that I will not be available on this date. My wife had surgery yesterday and will be incapacitated for up to 6 weeks.

Regards,

A handwritten signature in black ink, appearing to read "Don Gottier", with a large, stylized initial "D" and "G".

Don Gottier