

IN THE CIRCUIT COURT
OF JEFFERSON COUNTY, ALABAMA

BURT NEWSOME,
Plaintiff,

vs

CIVIL ACTION NO:
CV-2015-900190

CLARK ANDREW COOPER,
BALCH BINGHAM, et al.,
Defendants.

I, Dena W. Campbell, a Court Reporter
of Birmingham, Alabama, certify that on this
date there came before the Honorable Carole
Smitherman at the Jefferson County Courthouse,
Birmingham, Alabama, on the 11th day of June
2018, commencing at 9:30 a.m. the parties in
the above cause, whereupon the following
proceedings were had:



1 APPEARING ON BEHALF OF THE PLAINTIFF:
Mr. Charles Brooks
2 The Brooks Law Firm, PC
275 Forest Road, Suite 100
3 Hueytown, AL 35023

4

5 APPEARING ON BEHALF OF THE DEFENDANT:
Mr. Andrew Campbell
6 Campbell Guin, LLC
505 20th Street North, Suite 1600
7 Birmingham, AL 35203-4622

8 Mr. James Edward Hill, Jr.
Hill Hill & Gossett, PC
9 PO Box 310
Moody, AL 35004-0310

10

Mr. Robert Ronnlund
11 Scott Sullivan Streetman & Fox, PC
PO Box 380548
12 Birmingham, AL 35238-0548

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1 MR. NEWSOME: Good morning, Your
2 Honor. We're here on our motion for recusal,
3 and the test for recusal is whether a
4 reasonable person with knowledge of all the
5 facts would question the judge's impartiality.
6 And it's an objective test requiring the Court
7 to look outside of itself and think about
8 whether a reasonable third person with
9 knowledge of all the facts would question the
10 Court's partiality.

11 You know, early on in the beginning in
12 this case, we filed the case under seal because
13 Balch had contended we're filing the suit to
14 embarrass them. Balch demanded that the record
15 be unsealed, and the Court unsealed it. Later
16 on in the case, when evidence surfaced that
17 Balch had, in fact, done what I said they had
18 done and a phone number came up connecting all
19 of them, they came back. When it became
20 embarrassing to them, they wanted the case
21 sealed, and the Court allowed them to argue
22 both sides of the same coin inside the same
23 case in violation of conditions of judicial

1 estoppel.

2 In the order sealing the case, it even
3 threatened our side with being turned over to
4 the bar if we said anything to any member of
5 the media about the current proceedings. It's
6 all been shut down.

7 After that, I subpoena AT&T for phone
8 numbers seeking evidence of the conspiracy in
9 my complaint, and I don't get answers to my
10 subpoena. I, then, subpoena AT&T for any
11 evidence have any of the Defendants instructed
12 them not to send me what I have requested. I
13 get back where Attorney Robert Ronnlund has
14 sent AT&T a letter giving them five specific
15 numbers that I had no knowledge of not to send
16 me the phone records on those numbers. That's
17 a letter I had never seen before. It was not
18 filed with the Court. There was no objection
19 pending.

20 THE COURT: This is not summary
21 judgment. This is about your request for me to
22 remove myself after three years of litigation.

23 MR. NEWSOME: Right. Well, the point

1 of that is, you know, when evidence surfaces in
2 the case that's embarrassing to Balch and you
3 reseal it, you threaten us with the bar.
4 There's even a line about being turned over to
5 the Jefferson County DA. When evidence
6 surfaces of them suppressing evidence,
7 obstructing justice, I've heard nothing about
8 that. It's been raised over and over in
9 various pleadings and not only --

10 THE COURT: You are distorting the
11 facts.

12 MR. NEWSOME: No, ma'am. That is --
13 that's the fact.

14 THE COURT: I'm just here to listen.
15 Those are not the facts.

16 MR. NEWSOME: He clearly instructed
17 AT&T --

18 THE COURT: I'm not going to argue
19 with you. Go on with what you have to tell me.

20 MR. NEWSOME: And on top of the --

21 THE COURT: And while you're at it,
22 talk about the numerous times that I continued
23 this case at your request so that you could

1 have information or you could wait for the
2 Supreme Court to rule and for any other matter
3 in terms of the release. Talk about that,
4 while you're at it. Talk about how the Court
5 stayed its decision so you could have
6 discovery. Talk about that, if you will.

7 MR. NEWSOME: I'll talk about whatever
8 the Court wants me to talk about, but on top of
9 the judicial estoppel and Balch arguing both
10 sides of the coin in the same case and nothing
11 being said about the clear suppression of
12 evidence that was supportive of my case, the
13 manner in which Balch has structured their
14 contributions both to your campaign and your
15 husband's campaign --

16 THE COURT: What does my husband have
17 to do with this? Not anything. I don't know
18 anything about my husband's campaign. You are
19 out of order in those regards.

20 MR. NEWSOME: Well, that's subjective,
21 and the test --

22 THE COURT: I cannot believe you and
23 Mr. Brooks even brought my husband up into

1 this. I can't believe that. You're going to
2 talk about the day he comes by here to take me
3 to the doctor? Yes. Anything else?

4 You have attacked my family unfairly,
5 and that is wrong. You and the person who you
6 said you didn't know and you had nothing to do
7 with this website that you sent all over
8 America. You said you had nothing to do with
9 it.

10 MR. NEWSOME: I don't know what you're
11 talking about, Judge.

12 THE COURT: I bet you don't.

13 MR. NEWSOME: Well, I sense evidence
14 of bias and hostility right there, Judge,
15 honestly, that --

16 THE COURT: Yes, I am upset with you
17 for bringing my husband into this.

18 MR. NEWSOME: They brought your
19 husband --

20 THE COURT: I didn't know anything
21 about half the stuff that you wrote. Can't you
22 understand we are family, that he can do what
23 he does, and I can do what I do? Thirty-five

1 years, a member of a bar. I don't follow my
2 husband around. He doesn't do that to me.

3 What else do you have to say to me?

4 Yes, I am upset with you but not upset
5 that I'm not clear about what you are doing and
6 how you're trying to manipulate this whole
7 case.

8 No, Mr. Brooks, come on. You're with
9 him, too.

10 MR. BROOKS: Your Honor, I don't
11 believe that my name is on that pleadings.

12 THE COURT: You are here, and you're
13 counsel.

14 MR. BROOKS: Your Honor, I am, and I'm
15 representing a lawyer who has a right to file
16 anything that he sees fit.

17 THE COURT: I understand that. I
18 understand that.

19 MR. BROOKS: Okay. Thank you, Your
20 Honor.

21 THE COURT: But you are just as
22 involved as he is.

23 MR. NEWSOME: I mean, I wasn't

1 attacking anybody.

2 THE COURT: Pardon me?

3 MR. NEWSOME: I wasn't attacking.

4 THE COURT: You are attacking my
5 family. You certainly are.

6 MR. NEWSOME: No, ma'am.

7 THE COURT: What about the numerous
8 contributions you have given to judges? What
9 about those?

10 MR. NEWSOME: I gave -- I've given
11 contributions to judges when they were in
12 competitive --

13 THE COURT: When you had cases before
14 them, your cases before them. What about
15 those?

16 MR. NEWSOME: I have given
17 contributions to judges in contested campaigns
18 and later on had cases in front of them, that's
19 true. This case -- this case is different.

20 THE COURT: How so? A campaign is
21 only over until the votes are certified by the
22 secretary of state in November.

23 MR. NEWSOME: One, neither you or your

1 husband have any opposition in the races.

2 THE COURT: That has nothing to do
3 with a campaign, sir. I still have to
4 campaign.

5 MR. NEWSOME: And, two, the timing of
6 the contributions in this case, their
7 contributions, the second --

8 THE COURT: You are stretching this
9 the same as you have the facts in this case,
10 and you know it's going to come out. I wasn't
11 going to say anything until I saw where you
12 were going in terms of attacking my family.

13 MR. NEWSOME: Nothing in there was
14 meant as an attack on your family.

15 THE COURT: It is just the same upset
16 you were when you said that they were attacking
17 your family, and you put your little children
18 on the website. What's the difference?

19 MR. CAMPBELL: Are you finished?

20 THE COURT: Let him finish, please. I
21 have all morning.

22 MR. NEWSOME: They created the
23 appearance of impropriety by the way they

1 structured their contributions and the timing
2 of their contributions. It's not an attack on
3 you or your family.

4 THE COURT: You're talking about the
5 2013 contribution before I was a judge and I
6 was member of the Birmingham City Council? Are
7 those ones you're speaking of?

8 MR. NEWSOME: I'm talking about
9 primarily the contributions in November of
10 2017, February, April, and May of 2018.

11 THE COURT: What about them? Talking
12 about to my husband again?

13 MR. NEWSOME: Some of those
14 contributions were to your husband, and some of
15 those contributions were to you, as well.

16 THE COURT: And?

17 MR. NEWSOME: The timing of those and
18 the process of where we were in this case
19 create the question of whether or not they were
20 trying to improperly influence you.

21 THE COURT: No, no. I have been a
22 political figure all of my life, an
23 independent, if you will. How do you think I

1 got this far in life? By God's grace, and he
2 tells me to bite on my tongue right now so I
3 can get through this hearing.

4 Mr. Campbell?

5 MR. CAMPBELL: May it please the
6 Court, Your Honor, I'm Andy Campbell. I
7 represent Balch Bingham. Your Honor, I've been
8 before this Court and officer of this Court 35
9 years, 65 years old. I have never seen a
10 plaintiff, this gentleman, make a mockery of
11 justice out of a frivolous lawsuit in all those
12 years like I have in this case.

13 Now, if we're heading where he thinks
14 we're heading, which is, if you don't have a
15 case, you get your buddy and your client,
16 Mr. Forbes, to start slandering a judge and her
17 family and opposing counsel. And I'm in the
18 party now. He slandered me at midnight last
19 night, and himself including. If that's where
20 we're headed, Judge, we're fastly losing the
21 rule of law in this county and the independence
22 of our courts.

23 I'm a little emotional this morning,

1 Your Honor, because I believe in the
 2 independence of these courts, and I believe in
 3 the rule of law. I believe as an officer of
 4 the court, I have a duty, fundamental duty, to
 5 defend this Court, defend the honor of the
 6 lawyers in this case, and my client against
 7 what are a repeated set of lies and filings in
 8 this Court both with respect to the merits --
 9 and we dealt that with two weeks ago -- and on
 10 this motion last night.

11 If this is where we're going and this
 12 is where this gentleman wants it to go, we're
 13 going to lose the rule of law in this county
 14 and the independence of our judges because
 15 cases will be tried -- a judge gets a frivolous
 16 case. She indicates she may throw it out.
 17 They start attacking her saying, We're going to
 18 sue you for RICO on a website to try to force
 19 you to give it up and give him a second bite at
 20 the apple with another judge. That's exactly
 21 what he's doing.

22 Mr. Brooks can sit there and say, I
 23 didn't join in this, but his ethical obligation

1 is to withdraw from this case. If he doesn't
2 believe in this motion, he should be having a
3 motion to withdraw in your case last week when
4 it was filed. It's wrong. It's morally wrong.
5 It's legally wrong. It's ethically wrong what
6 they are doing in this case because he thinks
7 he's going to get ruled against on summary
8 judgment, as he should, because the facts and
9 the law do not support him.

10 So he starts with Mr. Forbes last week
11 vicious attacks on you and on Balch Bingham.
12 This cannot stand, Your Honor. This cannot
13 stand. If this rule -- if this motion for
14 recusal goes anywhere, this will open the flood
15 gates to people like him abusing the system and
16 attacking the independence of our judges.

17 I dare say, Judge, if you let this
18 case go, which I don't think you should, they
19 would be subject to the same attacks. This
20 case needs to end, Judge, needs to end today,
21 right after this hearing. We have submitted a
22 proposed order addressing summary judgment in
23 this motion. It's only going to get worse in

1 the sense that the slander, the false filings
2 in violation of Rule 11, the accusation against
3 lawyers for lying -- and he accused me of lying
4 three separate times in the pleading last
5 night. It's only going to continue, Judge.
6 That's why this case has got to end.

7 Let me give you an example. This is
8 the list of illegitimate contributions. Carole
9 Smitherman appears twice. They're all to Roger
10 Smitherman. Under our law, that has nothing to
11 do with this motion for recusal. It can't.
12 Supreme Court and every court in this country
13 has recognized you don't attribute to a spouse
14 contributions going to another family member.

15 The two he cites, Hare Wynn and I gave
16 you basically contributions February 6, 2018,
17 over three months ago. Judge, I didn't know
18 this case existed. I had no relationship with
19 Balch Bingham then. I gave as a lawyer because
20 I have always given to this Court because this
21 Court is a great Court and a good judge and a
22 great trial judge and a very fair judge, as
23 have others such as Hare Wynn.

1 He accuses me in a lie last night of
2 having connection with Balch Bingham, and I was
3 in the process of entering the case then.
4 That's a lie, Judge. I didn't know anything
5 about this case. Allen called me late April,
6 early May.

7 Hare Wynn is accused of being the
8 agent of Balch Bingham, and that's news to me.
9 It's just like this attitude of I can make it
10 up as I go. I can put it on the website
11 accusing a judge of corruption and a law firm
12 of corruption and the lawyers of corruption,
13 and there is no consequences. There are
14 consequences to this, Judge. There are
15 consequences to this, and the consequence today
16 in this court is to follow the law. Deny this
17 frivolous motion. Stand up for independent
18 judiciary. I'm standing up. He knows well a
19 court can't defend itself on the website. A
20 court can't defend itself in the news. That's
21 the problem with lawyers being allowed to write
22 cyber slander or have their clients do it.
23 Judges can't defend themselves. So it falls on

1 us to do it, and we're going defend it. We're
2 going to defend it hard, and I'm defending it
3 this morning with every bone in my body. This
4 is wrong. It's morally wrong.

5 We've got to deal it with the best way
6 to deal with it, and the best way to deal with
7 it, Judge, is to dismiss this case, force the
8 attorneys fees against him for what he's done,
9 and let him take it to Montgomery. He won't
10 get the time of day in Montgomery. They've
11 already rejected -- ruled against him in one
12 case. Let the judges see what he's doing, and
13 maybe there will be some relief, extrajudicial
14 relief, Judge, that comes of this because it's
15 a mockery of justice. And he's trying to make
16 your courtroom one, Your Honor, and I ask you
17 overrule it today and grant summary judgment,
18 which should have been granted earlier.

19 This Court very fairly gave him
20 continuance after continuance to conduct
21 discovery. He's abused that. He's made up
22 lies. It needs to end.

23 Political contributions are part of

1 our system. Until the legislature does away
2 with them and makes all judges appointed, they
3 are not grounds, they're not grounds, for --
4 even if they were directly made to Your Honor,
5 they are not grounds for recusal. There's
6 certainly nothing wrong with contributions
7 being made or made to family members, and,
8 frankly, these PACs have nothing to do with
9 Balch Bingham. He made that up, too. The five
10 PACs, Balch Bingham doesn't control them. They
11 are not alteregos. There's no evidence of
12 that. Again, it's make it up as you go.

13 When I started practicing law with
14 people like Bibb Allen, Warren Lightfoot, this
15 kind of behavior, Your Honor, was unheard of.
16 What have we become?

17 We and the bar are letting this
18 happen, but the courts and the bar, those of us
19 who believe the other way, have got to take a
20 stand against this. And the clearest safest
21 avenue to get rid of this mockery of justice is
22 to deny this motion and grant our motion for
23 dismissal and summary judgment.

1 Otherwise, Your Honor, this man is
2 going to be tempted to continue this onslaught,
3 continue with these false statements, and it
4 will stop -- it will not stop. That's why it
5 needs to end today, Your Honor. And I
6 appreciate this Court's fairness in giving
7 every plaintiff an opportunity to prove their
8 case in discovery, but there comes a time,
9 Judge, for it to end, and the time is now. It
10 is out of our hands. It is wrong. It is
11 doubly wrong to attack a court, attack her
12 family, and the lawyers. Next thing I know,
13 he's going to be attacking my golden retriever,
14 Judge, if I let him.

15 I ask the Court today to end this,
16 Your Honor, as an officer of the court not only
17 representing my client but as somebody who has
18 been on every bar committee in this state.
19 This is wrong, and this conduct has got to end.

20 Thank you, Your Honor.

21 MR. BROOKS: Your Honor, I want to
22 address the one point that was made directly to
23 me. The motion for summary judgment, the way I

1 argued it is supported by law, and that's the
2 way I intended to.

3 Number two, the second point that I
4 believe was being brought up about controlling
5 extra-judiciary information, I have no control
6 over that. Any accusations that anybody here
7 had control of it, I haven't seen evidence of
8 that, either, as it became something that was
9 in the foray of people being interested in it.
10 So to say that is just simply not true in terms
11 of some control that I had over anything
12 outside of it.

13 Lastly, the point about withdrawing, a
14 lawyer cannot withdraw within a pending summary
15 judgment motion whether he think he's going to
16 win or not. Even if he thinks he going to
17 lose, he can't withdraw from a case because he
18 thinks that he lost the argument to
19 Mr. Campbell. So that issue, I think, is a
20 nonstarter.

21 MR. NEWSOME: Just in response to what
22 he said, he makes my allegations seem like
23 they're all so farfetched, what I bring about

1 about them attempting to improperly influence
2 you. They go in trial 11 days from now for
3 this very thing, for bribing an official. What
4 I'm saying --

5 THE COURT: If you don't stop that --

6 MR. NEWSOME: It's true.

7 THE COURT: It has no place in this
8 court.

9 MR. NEWSOME: Well, they're --

10 THE COURT: Control your client,
11 Mr. Brooks.

12 What do I have to do with that? Not a
13 doggone thing, and you know it.

14 MR. NEWSOME: I'm talking about them.
15 I'm talking about them.

16 THE COURT: That has no place in this
17 case.

18 What else?

19 MR. HILL: May I?

20 THE COURT: Yes, sir.

21 MR. HILL: Thank you, Judge. One
22 thing -- sort of as an aside, I also am running
23 for reelection. I also am unopposed, and I get

1 contributions. That argument is ludicrous. It
2 is ludicrous.

3 But here's the thing, Judge. Let's
4 get back to what's going on. He pulled a gun
5 on a man. The man got a warrant for menacing
6 against him. They went to the Shelby County
7 District Court, and he made a deal, an
8 agreement through his attorney, to take
9 deferred prosecution, signed a release, and get
10 the case dismissed. And that's what happened.

11 He, then, attacks it. Judge Conwill
12 writes an order that obviously threw out his
13 motion to expunge, but here's also what Judge
14 Conwill said, that the release is valid. The
15 release is valid.

16 He appealed that. The Court of Civil
17 Appeals upheld Judge Conwill. The Supreme
18 Court denied his petition for cert. What he
19 just said is the truth. This case is over.
20 This case should be over.

21 You know, I started practicing law in
22 1976. I've been at it 42 years, 19 of those
23 years on the bench where I tried a bunch of

1 cases. Never in my life have I seen a bigger
2 mockery of the court system than has been made
3 in this case by an individual who signed a
4 release to get what he wanted. The motion
5 ought to be granted. The requests for attorney
6 fees that have been made ought to be granted,
7 and we ought to get this over with.

8 Thank you, ma'am.

9 MR. CAMPBELL: Your Honor, just if I
10 may supplement, I want to hand out what they
11 filed morning, more slander, his client. This
12 is part of our supplement we filed this
13 morning, Your Honor. I'm going to hand it up.
14 It's basically what they put on the website
15 Friday. It speaks for itself, Your Honor.

16 MR. RONNLUND: Briefly, Your Honor,
17 Robby Ronnlund here for Claiborne Seier. Being
18 in a position with the Court, I have previously
19 thought it wise to chew my tongue. I'm going
20 to for the most part today. Certainly,
21 Mr. Campbell and Mr. Hill have both made some
22 arguments that I think have far more weight
23 than what I was going to say.

1 There's one point I want to make about
2 what all this has cost and what all this has
3 called for in this case. We've had all these
4 pleadings filed. We've had all of these posts
5 on the internet. We've had letters written to
6 my wife's employer. We've had anything under
7 the sun that you can imagine. What do they
8 call for? They don't call for justice. They
9 don't call for this Court to enter a ruling.
10 They don't call for a jury to return a verdict.
11 They call for a settlement. Every single
12 letter, it doesn't demand justice. It doesn't
13 demand a verdict. It doesn't demand the truth.
14 It demands an out-of-court nonjudicial payment
15 of money to Mr. Newsome because that's what
16 this is all about. And I think that's what
17 rings truest in all of this. Nobody is calling
18 for a trial in this case. No one is calling
19 for a verdict. They're calling to extort a
20 payment of money.

21 It's one of the most -- echoing what
22 they said, I certainly haven't practiced for
23 near the length of time that either

1 Mr. Campbell or Mr. Hill have, but I have been
2 in this courtroom a number of times. I've
3 tried a number of cases. And like they said,
4 I've never seen anything like it. We didn't
5 study anything like that in law school, either.
6 I would echo their call that the proper thing
7 to do would be to dismiss this case and enter
8 the attorneys fees.

9 I would also point out Mr. Brooks has
10 said, I'm not involved in any of this. The
11 website has had numerous leaks from
12 Mr. Newsome's legal team. I don't know if
13 Mr. Brooks is going to stand up and disavow
14 that. There's also been, We don't run the
15 website. What about who is financing it? Who
16 is paying on Facebook? Who's paying on Google?
17 Who's paying to run TV advertisements? Who's
18 paying to mail stuff out to stockholders and
19 people's spouses, publicly-traded employers? I
20 don't know. I don't think Mr. Newsom is going
21 to stand up here and disavow under oath that he
22 has not offered -- there was recently a call on
23 this website's Facebook page that they've

1 advertised to give a \$20,000 reward if anyone
2 will come forward with information. The very
3 next post asks for \$5 donations to pay for some
4 lady's \$600 worth of dental care.

5 If Mr. Newsome wants to stand up here
6 as an officer of the court and deny that he had
7 anything to do with that, I would certainly be
8 interested to hear it. I think it's further
9 evidence this is directly related and
10 attributable to him, and I think that it's
11 something that should be dealt with
12 appropriately by this Court.

13 MR. BROOKS: Your Honor, permission to
14 speak, Your Honor?

15 THE COURT: I have no knowledge of
16 anything that's on that website except the
17 pleadings that have been filed the other day,
18 no knowledge. A judge can't read that kind of
19 stuff.

20 MR. RONNLUND: I would suggest that
21 you not if you want to maintain your composure.

22 THE COURT: Well, I will not.

23 MR. BROOKS: One --

1 THE COURT: Wait a minute, Mr. Brooks.

2 MR. BROOKS: Real quick, Your Honor,
3 I'll answer that question. No, I haven't given
4 any money to anybody originating a website.
5 More importantly, that particular organization
6 has been using very aggressive tactics when it
7 took on a healthcare company. And I know Your
8 Honor told me a long time ago you didn't want
9 to hear anything about it, so I'm not going to
10 bring it up. But that particular entity,
11 that's what they do. I have no association
12 with them other than the ones I have said under
13 oath to this Court a long time ago.

14 THE COURT: Mr. Brooks, you know full
15 well the reason why everything has happened.
16 The Court was trying to protect the integrity
17 of our jury system. That's why the case was
18 sealed. That's why, and you know it. I said
19 it sitting here.

20 MR. BROOKS: Your Honor --

21 THE COURT: I said it sitting here.
22 And if you have any knowledge, any knowledge,
23 about any of this website business that is not

1 factual, then you have an obligation as a
2 member of the bar and an officer of this court.

3 MR. BROOKS: I agree, Your Honor, and
4 I do not.

5 THE COURT: You mean to tell me --

6 MR. BROOKS: Let me answer the
7 question.

8 THE COURT: You mean to tell me you
9 haven't read any of this stuff?

10 MR. BROOKS: Yes, Your Honor, I've
11 read it.

12 THE COURT: If you've read it and knew
13 it wasn't the truth, why didn't you come
14 forward?

15 MR. BROOKS: Your Honor --

16 THE COURT: You know why I sealed this
17 case. There was stuff going everywhere talking
18 about the case, all on the website. I told
19 every lawyer in here that I was going to
20 protect the jury system, and I wanted an
21 unbiassed jury to sit and hear this case, if it
22 got that far. Now, tell me I'm not right.

23 MR. BROOKS: Your Honor, you're

1 absolutely right.

2 THE COURT: There's nothing else.

3 MR. BROOKS: Can I context that
4 slightly, Your Honor? The context of it was,
5 at the time, as I recall, prior to being
6 sealed, there was salacious issues about what
7 was going on in terms of the law firm at that
8 time. So an entity --

9 THE COURT: What did that have to do
10 with me?

11 MR. BROOKS: Nothing, Your Honor.

12 THE COURT: Nothing at all.

13 MR. BROOKS: Nothing, Your Honor.

14 THE COURT: What does it have to do
15 with my husband?

16 MR. BROOKS: Nothing, Your Honor.

17 THE COURT: Nothing at all. You sit
18 back and tell me you didn't read these
19 pleadings? You drove over here from Georgia to
20 just sit here?

21 MR. BROOKS: Your Honor, my concern
22 was -- I'll respond to that. My concern was
23 what was it that was filed that I was going to

1 be -- I needed to be able to respond to
2 arguments as it relates to me. One of those
3 arguments that has been raised is that I was
4 arguing for something within the context of a
5 summary judgment motion that I shouldn't have.
6 That's conflating two different things, which
7 is this motion and the hearing unto itself and
8 what is proper --

9 THE COURT: Mr. Brooks, I took an oath
10 as a lawyer when there were no black lawyers.

11 MR. BROOKS: Yes, Your Honor.

12 THE COURT: Arthur Shores and maybe
13 two or three others.

14 MR. BROOKS: Yes, Your Honor.

15 THE COURT: I will not allow any of
16 the work I have done to be undone by this.

17 MR. BROOKS: Yes, Your Honor.

18 THE COURT: And you know it.

19 MR. BROOKS: Yes, Your Honor.

20 THE COURT: You and I have been
21 acquaintances in the bar since you became a
22 member.

23 MR. BROOKS: Yes, Your Honor.

1 THE COURT: You and your brother both.

2 MR. BROOKS: Yes, Your Honor.

3 THE COURT: I am the oldest sitting
4 judge, black American judge, in this state, and
5 this is what I get. I'm disappointed.

6 MR. NEWSOME: One thing he said about
7 my legal team leaking to that website is wrong.
8 We have not leaked anything to anybody. We
9 have honored the protective order. He said we
10 don't seek a jury trial. That's not true.
11 That's what we've been seeking for three years.

12 THE COURT: And I was to protect the
13 integrity of that process, and that's what I
14 did.

15 So let him talk. Make your record.
16 Take it to Montgomery. There's 65 up there
17 right now. My conclusion in this case is 24,
18 48 hours away.

19 MR. NEWSOME: Also, addressing what
20 Mr. Hill said, that nothing -- the people in
21 Shelby County, the Court made no determination
22 as to whether or not that release was obtained
23 by fraud, and that's what we assert. And

1 that's what we assert in this Court.

2 THE COURT: I have created every
3 volume up here on my desk. These are all
4 Newsome volumes. I have read every piece of
5 paper in there. I have read every piece of
6 paper that is in my chambers. I am not
7 ill-prepared. I am not ill-prepared person.

8 MR. CAMPBELL: One last thing, Your
9 Honor. There has been no showing of bias by
10 this Court, nor could there be any showing of
11 bias. There's been no showing for any basis
12 for recusal. This Court has bent over
13 backwards. I'm new to this case, and I've read
14 everything in it. This Court has done nothing
15 but bend over backwards to give fairness to
16 this Plaintiff. I want the record to reflect
17 that. The Court was trying to protect all
18 parties and the jury system when the Court
19 acted in her discretion. And this Court has
20 always been a hallmark of justice and will
21 remain so in this county.

22 I say that as an officer of the court
23 because if this goes up, the Supreme Court

1 needs know this Court has established a record
2 of fairness, honesty, and level playing field
3 for every litigant that's ever appeared before
4 you. I am proud to have served in front of
5 you, Judge, and I think this is atrocious. I
6 think the appropriate way to deal with it is
7 what I said earlier.

8 If the Plaintiff wants to seek
9 appellate review, let him go. We cannot have
10 this conduct in our courts before our judges
11 who are doing everything to treat everybody
12 fairly. It's just wrong, not just legally
13 wrong, morally wrong, Your Honor.

14 THE COURT: Thank you. The lord is my
15 shield and my protector. I fear no man.

16 Is there anything further?

17 MR. CAMPBELL: Thank you, Your Honor.

18 (Hearing concluded at 10:05 a.m.)
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C E R T I F I C A T E

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STATE OF ALABAMA)

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JEFFERSON COUNTY)

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I hereby certify that the above and foregoing hearing was taken down by me on Computerized Stenotype, and the proceedings herein were transcribed by me, and that the foregoing represents a true and correct transcript of the hearing given by said parties.

I further certify that I am neither of counsel, nor of kin to the parties in the action, nor am I in anywise interested in the result of said cause.

/s/ Dena Campbell

Dena Campbell, CCR
CCR #34, Expires 9/30/18
Commissioner for the
State of Alabama at Large
Commission Expires: 5/9/22

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