



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT NEWSOME, et als.,)	
)	
Plaintiff,)	
)	
v.)	CV: 2015-900190.00
)	
BALCH & BINGHAM, LLP, et als.,)	
)	
Defendant.)	

**DEFENDANT CLAIBORNE P. SEIER, ESQ.'S JOINDER IN OPPOSITION
TO PLAINTIFF'S MOTION TO RECUSE (CORRECTED)**

Claiborne P. Seier, Esq., a Defendant in this action, joins in the Opposition to Plaintiff's Motion to Recuse previously filed by Balch & Bingham. In further opposition to this Motion, Attorney Seier would state as follows:

1. Having previously tried (and failed) to improperly extrajudicially influence the outcome of this case in numerous ways, Plaintiff now apparently believes that his case will finally be dismissed. Seeking to continue his harassment of these parties (and/or others related to them), he accordingly now asks the Court to recuse in the hopes of gaining a second bite at the apple and continuing this frivolous and baseless matter to some indeterminate point in the future in another Court. As set forth in Balch's previously-filed Opposition, however, Plaintiff's Motion is both unfounded and too late.



2. Although of questionable relevance and relation to the issues before the Court, Plaintiff's Motion to Recuse yet again attempts to perpetuate the lie that the undersigned attempted to improperly prevent the Plaintiff from obtaining certain discovery relating to AT&T phone records. Although this "fake news" has been previously addressed and rebutted, the undersigned nonetheless (briefly) addresses it herein for purposes of the record.

3. Wholly omitted from the both the Plaintiff's present motion and his previous other judicial and extrajudicial screeds on this topic, are the facts that (a) the error in question was made by the undersigned's secretarial staff without the undersigned's knowledge; (b) this Defendant's objection to the subpoenas issued for his law firm's business phone records was subsequently discussed with AT&T and the error in question promptly corrected with a subsequent letter specifically referring to this Defendant's specific billing account numbers as well as the AT&T legal compliance file associated with Plaintiff's subpoena related to those accounts (and further included the relevant legal filings, which, themselves were also limited to this Defendant's information); (c) AT&T's written confirmation reflected and referred (only) to the amended request issued by the undersigned's office and associated file number; and, most importantly (d) that the Plaintiff received the records in question and has been in possession of said records for at least the last two years. Copies of the original letter (without the Plaintiff's exhibit sticker covering the "dictated but not reviewed" notation);

the subsequent correcting correspondence; and the confirmation from AT&T are provided herewith.

4. As set forth in more detail in Attorney Seier's previously-filed and pending Motion for Attorneys' Fees and Sanctions, Plaintiff's arguments on this topic are, in actuality, nothing more than Plaintiff projecting his own improper conduct onto this Defendant and his counsel. Recall that Plaintiff received relevant AT&T phone records in or around November 2016. However, he failed to inform anyone (including the Court) of that fact. Instead, for reasons unknown, he continued to further litigate the issue in this Court despite already having received the records. This pointless continuation of litigation resulted in the filing of multiple briefs, the holding of multiple hearings, and even went so far as the Plaintiff seeking to have the Alabama Supreme Court issue a Writ of Mandamus to Your Honor related to the documents that he already had. This is exactly the type of "unnecessary delay" and "needless increase in the cost of litigation" that the Alabama Litigation Accountability Act was intended to punish.

5. Of course this is but one example of the Plaintiff's improper behavior both in and out of Your Honor's Court related to this matter. It is truly unlike anything that this Defendant, his undersigned counsel of record, and their colleagues and partners have ever seen.

6. This case is fully ripe to be dismissed, and costs and fees taxed against the Plaintiff by this Court. His present Motion is just the latest in a long line of baseless and

malicious attacks perpetuated against the parties, their counsel, the Court, and others related to them. A contrary ruling would do nothing more than reward and embolden the Plaintiff for this outrageous behavior.

7. This Pleading merely corrects several minor typographical errors in the Defendant's previous filing of this date.

Respectfully submitted this the 9th day of June 2018,

/s/ Robert M. Ronnlund
Robert M. Ronnlund (RON006)
ASB-5137-E63R

Attorney for Defendant Claiborne P. Seier, Esq.

OF COUNSEL:

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

2450 Valleydale Rd.
Birmingham, Alabama 35244
(205) 967-9675
(205) 967-7563 (Fax)
ronnlund@sssandf.com