

**IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE**

DS ONE, LLC, d/b/a	§	
THE DOG SPOT EAST NASHVILLE,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 18C362
	§	
v.	§	JURY DEMANDED
	§	
JAMIE BYER [SIC] and	§	Judge Joseph P. Binkley
BARI HARDIN,	§	
	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANT BARI HARDIN’S MOTION TO TRANSFER PURSUANT TO
LOCAL RULES 3.04 AND 3.05**

I. Introduction

Comes now Defendant Bari Hardin, by and through undersigned counsel of record, and respectfully moves this Court to transfer the instant case to the Eighth Circuit pursuant to Twentieth Judicial District Local Rules 3.04 and 3.05. The instant action concerns a directly related case that is currently pending before the Eighth Circuit. Accordingly, a transfer is appropriate under both rules. *See id.*

Specifically, the instant case involves identical issues that are currently pending before the Eighth Circuit in Davidson County Case 17C1425, *DS Three LLC, d/b/a The Dog Spot West Nashville v. Elizabeth Davis*. If the Plaintiff in the instant action is able to overcome a Motion to Dismiss, the two cases will also require overlapping and duplicative discovery. Accordingly, this Court is empowered to order a *sua sponte* transfer of the action pursuant to Local Rule 3.04. *See id.* (“The Presiding Judge may

transfer a case from one court to another or from one division to another. The Judges and Chancellors of the 20th Judicial District may transfer cases among themselves by mutual consent except in cases of recusal. It is not necessary that the parties or their counsel consent to such a transfer.”). Further, “absent exceptional circumstances, the transfer must be assigned to the court with the oldest pending related or companion case”—in this instance, the Eighth Circuit—pursuant to Local Rule 3.05. *Id.*

II. Argument

The Plaintiff, a “doggy daycare” that does business as “The Dog Spot,” has filed the instant \$2,000,000.00 libel lawsuit against Defendants Bari Hardin and Jamie Byer [sic] regarding a handful of critical comments that the Defendants posted on Facebook concerning the death of dogs in The Dog Spot’s care. (*See* Doc. #1.) The instant action also comes on the heels of a related prior action with overlapping subject matter that the Plaintiff filed in Davidson County Case 17C1425—a \$2,000,000.00 libel lawsuit that The Dog Spot filed over a critical Yelp! review concerning injuries to a dog in The Dog Spot’s care. *See* Davidson County Case 17C1425, Doc. #15—*Plaintiff’s Amended Complaint*. Notably, Davidson County Case 17C1425 is currently pending before the Eighth Circuit.

A. Overlapping Claims

Both this case and Davidson County Case 17C1425 assert virtually identical causes of action against people who dared to exercise their constitutionally protected right to criticize The Dog Spot online.¹ One cause of action alleged in the instant case—the Plaintiff’s “civil conspiracy” claim—even appears to have been copied and pasted verbatim from Case 17C1425, with changes made only to the Parties’ names: a fact that accounts for

¹ Multiple causes of action that the Plaintiff alleged in Case 17C1425 were summarily dismissed for failure to state a claim. *See* Davidson County Case 17C1425, Doc. #18.

why the genders described in the Plaintiff's Complaint in the instant case are inaccurate. Compare Doc. #1, p. 13, with Davidson County Case 17C1425, Doc. #1, p. 10.

Further, both this case and Davidson County Case 17C1425 present multiple identical issues. Those issues include, but are not limited to, the following:

(1) Whether, in prosecuting a defamation action, The Dog Spot qualifies as a public figure or a limited purpose public figure as a consequence of, *inter alia*, extensive local media coverage about the Plaintiff regarding the high-profile death of a dog in The Dog Spot's care. See, e.g., **Exhibit A**.

(2) Whether the Plaintiff is even capable of having its reputation harmed by online reviews discussing the safety of dogs in The Dog Spot's care, given:

(a) The widespread media attention and overwhelming number of public, critical complaints that have been registered about The Dog Spot online regarding the death of dogs in its care and injuries to dogs in its care. See, e.g., *id.*; **Collective Exhibit B** (dozens of public reviews referencing dog deaths and serious dog injuries). See also **Exhibit C** (Cari Wade Gervin, *The Dog Spot Sues Two East Nashville Facebook Group Members for Libel*, THE NASHVILLE SCENE (Feb. 27, 2018), <https://www.nashvillescene.com/news/pith-in-the-wind/article/20993408/the-dog-spot-sues-two-east-nashville-facebook-group-members-for-libel> ("there are a number of posts on Yelp that describe really horrific alleged experiences — and we should warn you, don't click through if reading about dogs getting hurt upsets you. (The posts about a dog dying are from Waldrop and her husband Matthew, but the other posts are not, and some of them are gruesome."))).

(b) The fact that The Dog Spot's claimed "reputation" is premised in part

upon multiple fake reviews posted by The Dog Spot's owners, in which they posed as new, happy customers of their own establishment. *See Exhibit C* ("The Bakers have also posted positive reviews of their own businesses, under their own names, but pretending to be new customers who have just discovered The Dog Spot.");

(c) The fact that The Dog Spot's claimed "reputation" is premised in part upon having genuine negative customer reviews removed or deleted following litigation threats. *See, e.g., Exhibit B*, p. 1 ("My 5lb dog was mauled to death by an extremely large dog at this location on March 18 while we were boarding her here for a weekend trip. . . I have written a review before and they successfully had it removed from this site claiming that it was not my story."); *Exhibit C* ("After Hall's death made headlines, there was predictably a social media backlash, which resulted in a lot of negative posts, which the Bakers or their staff then deleted And pressure to delete bad reviews isn't new for the Bakers either. In a series of Facebook messages, Chad Baker threatened the administrators of the East Nashville Facebook group with legal action unless they deleted the posts"); *Exhibit D* (noting dozens of deleted negative reviews); *Exhibit E* (J. Steen, *The Dog Spot Shuts Down Social Media Reviews, Posts, & Entire Facebook Page; Baker Twins (DogSpot Owners) Harass Neighbors & Tenants*, EAST NASHVILLE NEWS (Apr. 28, 2017), <https://eastnashville.news/2017/04/the-dog-spot-shuts-down-social-media-reviews-posts-baker-twins-dogspot-owners-harass-neighbors-tenants/>).

(3) The measure of damages, if any, that the Plaintiff has suffered, and the Plaintiff's efforts to mitigate any such damages. *See Case 17C1425, Doc. #20—Defendant's Answer*, p. 10, ¶ 4.

(4) Whether the Plaintiff has unclean hands. *Id* at ¶ 5. And:

(5) The Plaintiff's comparative fault. *Id.* at ¶ 6.

B. Overlapping Discovery

Moreover, the instant case will involve substantial overlapping discovery with Davidson County Case 17C1425. For example, given that a key component of the instant case is how many dogs have died in The Dog Spot's care (*see* Doc. #1), Defendant Hardin will be interested in, *inter alia*, The Dog Spot's eventual response to defense Interrogatory #21 in Davidson County Case 17C1425, which directs The Dog Spot to: "**Identify all customers or prospective customers who made any statements to you about the death of a dog at any of The Dog Spot facilities in 2017.**" *See Exhibit F.*

The Dog Spot publicly maintains that other than the one Chihuahua that was mauled to death in The Dog Spot's care, it has not had "any major incident." *See Exhibit A.* *But see Collective Exhibit B* (customers describing many, many major incidents). Notwithstanding this publicly asserted position, however, in litigation in which honesty is required, The Dog Spot has refused to answer interrogatories on the subject. For example, in Davidson County Case 17C1425, The Dog Spot has objected to answering defense Interrogatory #21 in part on the basis that identifying all of the customers who made statements to The Dog Spot about the death of dogs in its care *in 2017 alone* would be "unduly burdensome." *See Exhibit F.* Once provided, however, that discovery will be directly relevant to the instant case and may well be outcome-determinative.

C. Transfers Under Local Rules 3.04 and 3.05

Local Rule 3.04 provides that:

The Presiding Judge may transfer a case from one court to another or from one division to another. The Judges and Chancellors of the 20th Judicial District may transfer cases among themselves by mutual consent except in

cases of recusal. It is not necessary that the parties or their counsel consent to such a transfer.

Id.

Similarly, Local Rule 3.05 provides that:

A party requesting a transfer of a case will obtain a transfer order from the court to which the case is assigned. If a motion to transfer is prompted by a pending related case, absent exceptional circumstances, **the transfer must be assigned to the court with the oldest pending related or companion case.**

Id. (emphasis added).

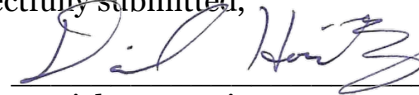
For the reasons stated above, Davidson County Case 17C1425 constitutes “a pending related case” with substantially overlapping issues as those presented in the instant action. *See* Section II-A, *supra*. The two cases will also require duplicative, overlapping discovery. *See* Section II-B, *supra*. Accordingly, even without the consent of “the parties or their counsel,” this Court is empowered to order a *sua sponte* transfer of this action pursuant to Local Rule 3.04. *See id.* Further, pursuant to Local Rule 3.05, this case “must be assigned to the court with the oldest pending related or companion case”—in this instance, the Eighth Circuit. *Id.*

III. Conclusion

For the foregoing reasons, because the instant case is related to pending Davidson County Case 17C1425, this case should be transferred to the Eighth Circuit pursuant to Local Rule 3.04 and Local Rule 3.05.

Respectfully submitted,

By:



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Counsel for Defendant Bari Hardin

NOTICE OF HEARING ON MOTION

A hearing on the above motion will be held on 16th day of March, 2018, at 9:00 AM CST at the Davidson County Courthouse, 1 Public Square, Nashville, TN. Failure to appear or respond to this motion may result in this motion being granted.


CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 2018, a copy of the foregoing was mailed, postage prepaid, and/or transmitted by e-mail to the following:

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By:



Daniel A. Horwitz, Esq.

Exhibit A

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Chihuahua dies at East Nashville dog day care

Posted: Apr 26, 2017 9:47 PM CDT

Updated: May 10, 2017 10:00 PM CDT

Reported by Liz Lohuis [CONNECT](#)

NASHVILLE, TN (WSMV) - Did a policy violation at a dog day care cause the death of a Chihuahua?

The kennel says it was a terrible tragedy that is extremely rare, but the dog owners say it could and should have been prevented.

Rachael and Matthew Waldrop said their two Chihuahuas, Hall and Oates, were inseparable from the minute they were born. But now, there's only one.

"I just want Hall back, but I know that I can't have that," Rachael Waldrop said.

Last month the Waldrops dropped their Chihuahuas off at The Dog Spot in East Nashville before a long weekend in Utah.

"We got a phone call from the manager of The Dog Spot saying that Hall had been attacked by another dog and that he just dropped her off at the vet," Matthew Waldrop said.

A few minutes later came a call from the vet.

"She is in shock. She lost a lot of blood," Matthew Waldrop said.

The Waldrops said they dropped plans and flew home. By the time they got back, Hall had already died.

"I just felt like I failed at taking care of her, that I put her where she was and there was nothing I could do to change the outcome, and I felt horrible," Rachael Waldrop said.

The Waldrops said a manager apologized and explained that Hall was put in an area with a larger dog and that dog attacked.

"I was not aware they were with dogs so large that they could kill my dog in such a quick and violent matter," Rachael Waldrop said.

The Dog Spot claims they were.

This is the statement given to Channel 4 from The Dog Spot:

"The Dog Spot is absolutely heartbroken over the tragedy that occurred at one of our facilities over a month ago. We started this business because we love dogs. Animal safety is our number one concern and we take every possible precaution to keep the dogs in our care safe. IN our six years' operating we've literally had hundreds of thousands of dogs through our doors without any major incident.

All dogs are carefully evaluated prior to boarding and attending daycare. We separate dogs into our play yards based on their size and temperament. We encourage customers to tour our facilities and many of our locations have a window from the lobby to the "back" are so owners can observe their pets. Additionally, all of our locations have web-cams so people can check in on their pups at any time. We consult with top dog trainers regularly to make sure our staff is well-trained.

The incident happened over a month ago and is just now being reported. The Waldrop's alluded in their demand letter that if we didn't pay them approximately \$7,000 that they would go to the media. Though we understand their heartbreak and we are heartbroken ourselves, we declined to pay them off. Mr. & Mrs. Waldrop have been frequent patrons of our two locations and they were very aware that their five pound dog was playing with larger dogs. Animal safety has always been and will always be our number one priority. ”

On The Dog Spot's website, however, it says they have a special area set aside for small dogs for everyone's safety.

“The other citizens of Nashville who do board their dogs need to know the potential risk,” Matthew Waldrop said.

The Waldrops hope their story pushes people to do their homework. They say ask questions, read reviews and hold kennels to their policies.

The Waldrops want The Dog Spot to review their safety policy and make changes. The couple also wants The Dog Spot to reimburse them for Hall's adoption fee, training, the price to change their flight and emotional damage.

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Exhibit B



Rach S.
 Nashville, TN
 0 friends
 27 reviews

★★★★★ 5/18/2017

My 5lb dog was mauled to death by an extremely large dog at this location on March 18 while we were boarding her here for a weekend trip.

The Dog Spot East posted a policy on their website that stated they separate dogs by size. We used their daycare service several times before and never saw anything alarming eluding to them not following this policy. Little did we know that they were not following the policy and it cost us our dog's life. She was 1 and a half years old.

I have written a review before and they successfully had it removed from this site claiming that it was not my story. I encourage anyone who gets to read this (since it will likely be removed) to search for news articles on The Dog Spot.

I really wanted to support this local business and the manager during the day was always so kind to us. I was shocked and heartbroken to lose my precious dog here. Until I went to the media they didn't do anything to change their policies or practices. They may be changing that now, but do your homework and ensure they are not putting tiny dogs with 70lb dogs that could hurt them, even if the dog intended to play!

Board at your own risk.



Ann D.
 Brentwood, TN
 0 friends
 5 reviews
 5 photos

★★★★★ 6/5/2015

Be careful about taking your dog here for grooming. My dog was fine before she went for her grooming. I explained carefully that nothing could be placed on her to restrain her and they advised they would not. I was not there so I do not know what happened. I only know when I took her home she whimpered and whined and acted like she was in pain. I waited a day or two thinking she was just upset about the grooming. She continued to get worse and I took her to the vet. They advised that somehow she had suffered an injury to her neck, upper spine. I called and spoke with the owner. He questioned the groomer and advised me that nothing was done to cause her injury. I cannot say definitely what happened, I only know that she has been hurt since her grooming and now I am out \$4000 in medical expenses and my poor dog is suffering greatly.

Was this review ...?

Useful Funny Cool



Penny D.
 Brentwood, TN
 0 friends
 2 reviews

★★★★★ 12/9/2016

Dangerously negligent and irresponsible. Please note that I attempted to contact the owner a month ago to discuss this and he never responded. My 17 lb, 8 month old puppy was dropped over the chest-high dividing wall, directly over the door that's supposed to allow dogs between areas. I watched it happen on the cameras. I called immediately and spoke with the manager. He watched the video and said the employee was new, he wasn't aware she had done this and would be terminated. When I arrived to pick her up, he said the girl was sorry, there were too many small dogs in the pen and wrote me a note. He wasn't going to let her go since it was a mistake and she loved animals. He offered free daycare (because offering to keep her more is how you apologize for being bad at keeping her?!?). Now I know that this isn't the first dog hurt at this location. The owner is obviously not concerned that staff drop small dogs from waist height. Dog owners beware



Jaime P.
Lebanon, TN
0 friends
2 reviews

☆☆☆☆☆ 2/10/2018

I wish it was possible to give a negative 5 stars, this place is awful. I took my dog there to get groomed, and have his anal glands popped. Needless to say one of them has ruptured, and I'm having to rush my poor baby to the 24 hour animal hospital. I am NOT happy about this.



Lindsey S.
Mount Juliet, TN
0 friends
1 review

☆☆☆☆☆ 8/19/2014

The most horrible overall experience for both my dog and myself. My dog has been boarded approximately 5-6 times per year since we have had him (~3 years) and we have never had a negative experience at any place we have boarded him. Being fairly new to Mount Juliet, we decided to give The Dog Spot a try. My husband dropped him off on a Saturday and knowing beforehand that The Dog Spot does group play, informed them that our dog doesn't feel comfortable around dogs bigger than him (greater than 60 pounds) as he feels very threatened. We take our dog to the Bark Park on a regular basis - and although he never acts violent towards dogs bigger than him- he is visibly very uncomfortable. My husband also told them we were in the process of moving from our apartment to our house and if they needed us for any reason, we would be in the area. All was well - or so we thought...

I didn't hear a peep from The Dog Spot and came back to get him Sunday before 1pm as agreed. When I walked in to get him, the receptionist said "Let's talk about your dog - shall we. He is NO longer welcome to stay here." Naturally, I was completely taken aback because one, we had not received a phone call indicating that anything was amiss and two, I was embarrassed as this occurred with other customers present. She then proceeded to tell me that my dog is a "predator" and that he "attacked a 90 pound dog" and the only reason the other dog is still alive is because she is "really good at her job." This went on for approximately ten minutes. I was honestly so shocked at how nasty her behavior was toward me, I couldn't even speak. Additionally, I hear my dog whimpering while I am talking to her and she informs me that he is in isolation and has been since the day before.

First of all why did I not receive a phone call if he was being moved to isolation? Secondly, remember when my husband told you NOT to put him with dogs bigger than him? That wasn't for his health. Furthermore, I do not claim to be a dog expert by any means, but I do know my dog and his temperament, and he would not attack unless he was provoked.

My willingness to vouch for my dog's temperament was validated when we got home and he was acting like he was in pain and very scared. When I looked on his belly, he had what appeared to be a bite mark. So, our dog is a "predator" and I am verbally abused and mortified in the lobby by the receptionist, yet he was obviously provoked since he had a huge bite mark on his stomach. Please explain that to me!

Needless to say, we will not be returning and will be advising others to steer clear as well. Bad news all around.



J.L.
Nashville, TN
0 friends
1 review

☆☆☆☆☆ 6/10/2015

DOG ATTACKED AT THE DOG SPOT!!! My dog was viciously attacked at the establishment near Charlotte due to the negligence of the staff. On top of which, when I spoke with the owner he cussed me out for leaving him a voice message threatening to hire an attorney if I didn't get a response. Our dog is a small dog (maltpoo) and the staff claimed that a dog (around 30 pounds) who they weren't sure was violent was placed in the cage with the small dogs to see if he would get along with the others. The dog darted right for my dog and grabbed her by the neck, resulting in her being rushed to the animal hospital in a bloody mess and having to be sewn up. Why would they put a dog that they aren't sure is violent or not in with the others? THE OWNER OF THIS ESTABLISHMENT IS A COMPLETE JERK and will NEVER get another dime from us or a referral. Michael the store manager was nice and kind and comforting. They paid the medical bills and the owner basically told us to "F off." If you want to pick up your dog either dead or in a bloody mess, then The Dog Spot is the right place for you. Never ever deal with the owner of this establishment. He is an arrogant SOB.



Linda W.
Nashville, TN
0 friends
4 reviews

☆☆☆☆☆ 6/4/2017

Boarded my dog here once, and got him groomed. Both times he came back with marks or bloody hot spots, and it's always the customers fault.

With grooming and boarding scrapes and cuts are a impossible thing to prevent, but not like this. The pompous attitude the staff and owners show around the business and community shows they are a horrible addition to and for the community. They plainly show they care little about animals and more about the success and money they receive.

If you want somewhere that genuinely is knowledgeable and cares about dogs. AVOID AT ALL COST.

Lisa P. and 4 others voted for this review

Useful 8 Funny Cool



Kelli B.

☆☆☆☆☆ 10/10/2017

 0 friends
2 reviews

NO!!! Do not take your dog here...don't even think about it!! Chad, the owner, is the absolute worst!! He has been quoted saying, "I don't care about dogs, I care about money!" So...I just moved to Nashville and was looking for a doggie daycare for my dog who had been going to doggie daycare since she was a pup (we came from a large metropolitan city). I found TDS because it's in East Nashville and close to my work. But, literally everyone that found out I was even considering taking my dog to The Dog Spot would literally gasp when I told them I was taking my dog there and two people even offered to come pick my dog up and take her somewhere else. However, my dog seemed to be doing okay the first couple weeks she was there despite the fact that she had these weird hot spots on her (she has never had hot spots on her ever) and had started acting slightly odd and started chewing her paws. I overlooked it and decided it was her still adjusting to moving here. None-the-less, to make a long story even longer...I ended up having a HORRIBLE HORRIBLE experience with this place. And I admit, it was partially my fault but for a company who is and who has the health and the care of animals as their business- just be safe and don't go there! I understand now why dogs have died in their care and understand why people I had barely even known told me not to go there as well as my vet and the vet techs!! If you're looking for an amazing place to take our dog, go to NASHVILLE TAIL BLAZERS...also in east Nashville. But whatever you do, don't go to The Dog Spot for daycare!

2 people voted for this review

 Useful 4  Funny  Cool


 **Kelli B.**
Chicago, IL
0 friends
2 reviews

     10/10/2017

NO!!! Do not take your dog here...don't even think about it!! Chad, the owner, is the absolute worst!! He has been quoted saying, "I don't care about dogs, I care about money!" So...I just moved to Nashville and was looking for a doggie daycare for my dog who had been going to doggie daycare since she was a pup (we came from a large metropolitan city). I found TDS because it's in East Nashville and close to my work. But, literally everyone that found out I was even considering taking my dog to The Dog Spot would literally gasp when I told them I was taking my dog there and two people even offered to come pick my dog up and take her somewhere else. However, my dog seemed to be doing okay the first couple weeks she was there despite the fact that she had these weird hot spots on her (she has never had hot spots on her ever) and had started acting slightly odd and started chewing her paws. I overlooked it and decided it was her still adjusting to moving here. None-the-less, to make a long story even longer...I ended up having a HORRIBLE HORRIBLE experience with this place. And I admit, it was partially my fault but for a company who is and who has the health and the care of animals as their business- just be safe and don't go there! I understand now why dogs have died in their care and understand why people I had barely even known told me not to go there as well as my vet and the vet techs!! If you're looking for an amazing place to take our dog, go to NASHVILLE TAIL BLAZERS...also in east Nashville. But whatever you do, don't go to The Dog Spot for daycare!


2 people voted for this review

 Useful 4  Funny  Cool

 **Matt W.**
Nashville, TN
0 friends
1 review

     12/12/2017

My chihuahua died after being bitten by another dog while being boarded at this facility in March of this year.

 **Rach S.**
Nashville, TN
0 friends
27 reviews

     9/30/2017

My chihuahua was killed in their care so I can't say I'd support this business. You can look it up online. We were led to believe they separated dogs by size and they did not and my dog was mauld to death. They supposedly did

...my dog was... my... not have any camera footage despite several cameras in the facility. The owners responded very poorly which was a disappointment. I have tried to leave reviews twice now and they always find a way to have mine removed on here and elsewhere. It concerns me because how many others are they silencing to improve ratings? We will never know. Board your dog at your own risk. My tiny dog was only a year and a half old. I miss her every day and wish I could have found true reviews of this business and maybe she would still be here today.



Heather A.
Biloxi, MS
0 friends
1 review

★ ★ ★ ★ ★ 10/17/2016

I left my dog here overnight while we were traveling through town- I dropped her off around 2 pm, and was back to pick her up at 8 am. When I arrived, she was covered in her own poop. Dried, caked on poop all through her long hair. It was obvious that this border neglected our pet and didn't so much as give her a place to relieve herself. She is a clean, well cared for dog typically and has NEVER had this issue at home. We had a long drive ahead of us, and I couldn't put the poor thing in the car like this, so I had to take her across the street to bathe her myself to get the poo off of her. In the end, I had to CUT the dried feces out of her fur because there was so much, and it was so tangled on her. I would NEVER leave my pet here again- as I told them when I picked her up, they should be ashamed of themselves for letting this happen. I can't believe I paid for this (literal) crap.



Amanda M.
Los Angeles, CA
0 friends
1 review

★ ★ ★ ★ ★ 7/2/2016

I was very disappointed by certain members of the staff here and my overall experience with the business. I dropped my dog off on Friday to be boarded until Sunday morning. Having never been there before, my dog was understandably nervous; but he allowed me to pass him over to one of the staff members with no problem and he even passed their little "compatibility test" with the other dogs in the daycare area. Things seemed perfectly fine at first. I informed the staff that my dog was a rescue and that he gets a little scared and anxious when I am not around. They assured me that this would be no problem and that I could call to check on him and even watch him on the webcams. After I left I did both of those things. When I watched him on the webcam he seemed to be doing far better than I would have imagined. His tail was wagging and he was right in the action with the other dogs having a great time! I called right before closing to check in and make sure he was doing well. The lady told me he was getting along beautifully with the other dogs; but having some trouble getting comfortable with the workers. She assured me that this was very typical in rescues and nothing at all to worry about. I told her to call me ANYTIME if this problem continued or worsened. I heard NOTHING from them which led me to believe everything was OK. Fast-forward to Sunday morning. I was headed to the airport to drop off my boyfriend and swung by to pick up my dog on the way. From the moment we walked in I could tell something was up. When I told the girl at the front desk which dog I was there to pick up, she immediately got passive aggressive with me and said "Oh yeah. That's an 'interesting' dog you have there." Then she disappeared to retrieve him. She was gone forever, and as I mentioned before we were not only excited to see our dog after two days of being apart, but also trying to make it to the airport for a flight. She finally returns and rudely informs us that they are going to have to get him with a slip leash because he's not cooperating. Then we waited. We waited and waited until I ask her if I could just go back there and get him myself since I thought that would make things easier. She dismissed that idea and then disappeared again. This time for even longer before she returned to tell me that he's "downstairs" and that they are "still trying to get the leash on him." My dog wasn't even upstairs in the play area with the other dogs but instead downstairs and scared. At this point I was really annoyed. When they FINALLY brought him out to the lobby, my dog was visibly dehydrated and terrified. He was panting heavier than I have ever seen him, and he would not calm down even in my arms. As if this whole scene wasn't bad enough for a dog mom, the girl that had been so rude to us already says "Since your dog never adjusted to being around any of our staff, we recommend you do this differently next time." I wasn't entirely sure what she meant until she went on to say "You need to find another place to board him in the future." Excuse me? I called to check on him, I was told he was doing just fine, and I even told you to call me ANYTIME if there was an issue. I received no phone call from you and yet you are telling me my dog is no longer welcome there? You had all of the information in front of you. From the fact that he's a rescue and gets anxious when I am not around to my phone number if there was a problem. It is your job to understand the needs and temperament of dogs. You are suppose to make him feel comfortable and relaxed in his new environment. And if you are unable to do that, it is also your job to CALL THE OWNER and let her know that you feel it would be in the best interest of the dog to come pick him up and make other, more comfortable arrangements. But it didn't stop there. When they returned the food I had left there for my dog, NONE of it had been eaten. He obviously had not eaten for two days, and from the uncontrollable panting that went on for 20 minutes after we picked him up it seemed very possible that he had very little or no water for two days as well. As soon as we walked him, he peed for longer than I have ever seen him pee. Had he not gone to the bathroom for two full days either?? I was furious that I had not received a phone call letting me know this was going on. It is your job to be aware of the behavior of every dog left in your care. Anyone who thinks it is normal for a dog not to eat, drink or pee for two days has NO business being anywhere near a dog. My dog was visibly shaken and exhausted for two days after I picked him up. I cannot believe the negligence of the staff and the Dog Spot and I would never recommend them to anyone living or traveling to Nashville.



R Z.
Miami, FL
169 friends
17 reviews

★ ★ ★ ★ ★ 9/18/2017

My pup went in healthy and came out sick and sad.

Such a shame that I have to give this place one star considering how nice and generous they were, but when I see the suffering they have caused my boy, I cannot in good conscious give this place anything but a terrible review.

I was an evacuee from Miami for hurricane Irma, and I relied on Yelp to find the best spot I could to board my dog in an unfamiliar city. Normally, I will never board my pet, but will leave it with a loving owner I trust if I must be away from him, but the hurricane was a special circumstance.

As I said, they were kind, and were ready to board him for free if necessary. I paid them 2/3rds of what they would normally charge, as the storm had cost me so much money, and I could honestly use the extra cash. In the end, I saved \$40.

When I went to pick him up after something like five days there (I only thought this amount of time would be safe based on all the glowing reviews,) he had developed many new and bad/sad behaviors. Even worse he was VERY SICK. He had developed coughing fits where it sounds like he was choking to death. In the last 48 hours he has vomitted 3 times during said fits. I am now rushing to the vet as he is too sick to eat. Plus there's some green goo discharge (that they told me about) that he developed in one of his eyes.

My Australian Miniature Labradoodle is a well-trained Hospice Therapy dog. I volunteer as a hospice worker in my free time and he has been trained to work with people who are in the final stages of passing on. As such, his demeanor is or I should say, was, one of inexhaustible happiness and affection. Currently, he's not fit to work.

Now he cries all the time, which is completely new behavior. When I leave him he howls like a wolf non-stop, which is also completely new, I've never heard it in the two and a half years I've had him. And I can honestly say he seems depressed. So he was left both physically and mentally impacted in a very negative manner by his stay at The Dog Spot in West Nashville. Honestly, it makes my blood boil, how badly I failed him by leaving him with them. I just hope he will recover completely from his time with them.

I say this all with a somewhat heavy heart as these were seemingly very nice and compassionate people - Don't send your pup here, as nice as they were, it doesn't make it right what has happened him.



Justin A.
Nashville, TN
42 friends
2 reviews

8/28/2016

Complete waste of time. We discussed with Dog Spot about giving our 20lb Shih-Tzu a valium because he's usually really anxious when he gets groomed. They said no problem; they would be able to groom him when it kicked in. Anyways, gave meds at 8:30am, dropped off for appt at 9am. Dog was ready to be cut when we dropped him off, and probably would have slept through the process. Groomer decided to wait until noon to try to groom him, after meds had worn off. Then claimed he was "Fearing for his life", so he couldn't groom our 20lb lap-dog. We basically dosed him for nothing and as previously stated, the valium plan was discussed with them prior to making the appt. Unfortunately, they failed to deliver on their commitment. Will go to a legit groomer in the future.

Keenan T. and 10 others voted for this review

Useful 15 Funny Cool



Comment from Chad B. of The Dog Spot
Business Owner

8/30/2016 · Justin,

Your dog is a very challenging little one! We tried early in the morning to groom him and he was still absolutely insane, so we waited a few hours for the drugs to take effect. Unfortunately, he may be a two or three valium type of dog. We make money on grooming, so turning a dog away isn't really part of our business plan, with that said we don't ask our groomers to put themselves in

your dog is a pain in the ass and dangerous to our staff. We're quite relieved to hear you will not be back.

[Read less](#)



Sarah L.
Oakland, CA
293 friends
17 reviews
2 photos

★ ★ ★ ★ ★ 10/3/2016

My fiance and I were in town for a wedding and needed to board our dog during that time. I called months ahead and asked if we could work out a way to circumvent their requirement that dogs come for a half day trial period since we would not be in town before then to do so. The man I spoke with said that would be fine, we would just need to drop our dog off a bit early in case it didn't work out. I said that was fine.

I dropped our 9 mo old, 50lb poodle mix off at 10am on a Friday. When I entered, the woman at the front looked at me blankly. I told her I was dropping my dog off for boarding. She took him and mumbled something that I didn't understand. I told her I was going to put his food into bags and she ignored me. I waited at the front desk for 15 min. No one came back out. Finally another staff member came in because she was starting her shift. I explained that I was waiting for my dog since he had not been here before. She told me I could go, so I did.

10 minutes into my drive back to the hotel, the original staff member called me and told me that I would need to pick my dog up RIGHT AWAY because the temperament test "did not go well." I asked her to explain and she said that he was too shy and wouldn't even interact with the staff members let alone the other dogs. I was shocked to hear this since our dog is EXTREMELY friendly and loves other dogs and people and we have boarded him numerous times before and have never had an issue. I was upset that I had been told to leave and then had to turn around and come back to get him.

When I arrived I asked her to give me a tour of the facilities so I could understand what happened. She agreed and took me back there. The facilities are two concrete areas with large dogs barking VERY loudly and fighting with each other. I saw one dog bite another and growl in the 30 seconds I was back there. 2 staff members were back there with at least 50+ dogs. No wonder my dog was afraid!

I expressed my frustration with what had happened and the staff member said "we just have too many dogs, it is too overwhelming for some dogs which is why we do the half day. Fridays are very busy" so she ADMITTED that they have too many dogs. If they had told me that on the phone 4 months earlier I would have NEVER taken my dog there.

Luckily I was able to find a MUCH nicer pet hotel that agreed to board our dog for the weekend. But heed this review and ALL the other 1 star reviews - this facility is under staffed, poorly run, and NOT a safe place for your dog!

★ ★ ★ ★ ★ 6/19/2016

My wife and I took our goldendoodle here for 5 nights in May. We chose Dog Spot because we live in the area.

Here are the reasons why I left a 1 star review:

1. He got sick there! After picking him up we noticed he was coughing and hacking up mucus. We noticed this within moments after getting him home. We figured it was just a minor cold and waited a couple days. But after a couple days it was not getting better so we took him to the vet. The vet did an x-ray of his chest and was surprised to see how much mucus had filled up his lungs. She said she had rarely seen that before. Our poor dog had an upper respiratory infection which (according to the vet) borderlined pneumonia. We had to put him on antibiotics for 2 weeks to get him better.



Mike B.
Weehawken, NJ
0 friends
9 reviews

...and she was not cheap.

I called the person in charge at this location and asked if Louis showed any signs of being sick while he was there. He told me no. I find that VERY hard to believe. That would mean that our dog somehow got sick in the 30-60 minutes after we left the Dog Spot. Additionally - we had one dog stay at Dog Spot and one dog not. The dog that went there got sick and the dog that went elsewhere did not.

I think the Dog Spot lied about seeing signs to cover their own behinds.

2. They let him wet his bed EVERY night and did not let us know.

Our dog is well trained. He knows not to go in the house. He knows to go in the grass. The Dog Spot doesn't have any grass the dogs are free to go to. After picking him up we noticed his bed stank of urine and was much heavier.

The person in charge stated that Louis had wet his bed each night. Wouldn't a reasonable person pick up the phone or send a quick email asking if that is normal for our dog? To which we would've instructed them to simply take him to some grass. Our poor little dog had to sleep in his urine every night because the staff here is too lazy to contact the owners to let them know there might be something wrong with their dog.

3. We watched our dog get abused by another dog on their webcam and the employee there did nothing about it.

We've since needed to board Louis and have taken him elsewhere. Plain and simple: I feel this location needs new staff. I would recommend hiring staff that actually cares about dogs.

If you simply want a place for your dog to be kept while you are away this location will work. But if you want a place that will take care of your dog and make sure it is healthy and safe then I would look elsewhere.

Afton B. and 12 others voted for this review



Afton B.
Nashville, TN
82 friends
1 review
6 photos

★☆☆☆☆ 5/6/2016

The manager Zack.. very unprofessional.. very rude.. there was also a mouthy little girl with blue hair.. aislinn??? I'm not sure but I will never ever take my dogs here again.. my smaller dog had very distinct bite marks on her side.. obviously someone should have logged this, so my questions could be answered but they have no log books and no one could tell me what happen. I will never ever take my pets here again



Elizabeth D.
Nashville, TN
0 friends
2 reviews

★☆☆☆☆ 4/15/2017

Avoid this place!! There is total lack of care for the animals and their well being and when they can't deal with the dogs or there are too many dogs there for the day they board them. The staff lacks every function to properly deal with situations. When expressing concerns with the manager on staff about a situation with my dog the manager called me a liar and threatened me. I originally started bringing my dog here because of convenience as well as having mutual friends with the owner however my dog will never go back for fear for her safety. I only wish I had I trusted my gut the past few times I had taken her and realized she was being neglected



Jordan S.
Brentwood, TN
0 friends
4 reviews

★★★★★ 10/31/2015

I've taken my Weimaraner to The Dog Spot in East Nashville and had a great experience there! I decided to take him to the West Nashville location this time because it worked out better for my mother in law, who was dropping him off. We were in California for a week

see our dog, which had us worried that he was being locked up more than he should have been.. When we picked him up everything went smoothly, he was very tired (which was expected with all the play time he had all week) however my extremely high energy Weimaraner has not returned to his normal crazy state. It's been four days and he has runny eyes and runny nose, no energy and no appetite. In addition to that, his paws are all raw and bloody and we can't seem to figure out what would have caused that while he was there. Not sure what happened I just know that we probably won't return to the West Nashville location.



Cathryn L.
Nashville, TN
74 friends
5 reviews
1 photo

★ ★ ★ ★ ★ 10/15/2017

In terms of their doggy daycare, they are AWFUL. Seriously do not take your dog here. My dog is a super friendly golden retriever mix, and after taking her there I began to notice she had bite marks all over her body. The best part is they ended up kicking her out of daycare because she started to become defensive towards other dogs - something she's never done around me EVER. Also, their dogwash is low price because it seriously is a cheap set up. It's loud, it's confusing, and you'd be better off going up the street to Wags & Whiskers - it's like \$5 more, but it's calm, pleasant, and they have nice music playing in the background.



Susan M.
Mount Juliet, TN
0 friends
2 reviews

★ ★ ★ ★ ★ 2/10/2017

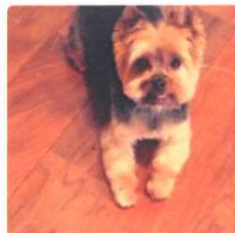
I left my 15 lb pomeranian that is afraid of big dogs because the tend to step on her at this place. They told me they had a separate play area for small dogs, but when I picked her up I heard very distinct yelping when she is hurt coming from the back. I looked in the observation window and there she was in the middle of twenty one hundred pound dogs getting trampled on. When they finally got her out to me I said that I thought she would be in with the little dogs in a separate place. And the girl said "Oh well, we didn't have very many today, so we just put them all together." WTH? I said well I heard her yelping, and saw her getting trampled and the girl says "She wasn't stepped on". I said I SAW HER THROUGH THE WINDOW GETTING STEPPED ON! and the girl says, "Oh well theres no need to yell" OMG!!!! Little dog owners DO NOT LEAVE YOUR PRECIOUS LITTLE BABIES HERE! The people are idiots.



Chelsea L.
Nashville, TN
418 friends
26 reviews
14 photos

★ ★ ★ ★ ★ 4/8/2016

I loved the cut my Yorkie received and the staff was super friendly and helpful, but....upon further inspection on my way home, Poppy shed trimmed hair and dander all over my black outfit. I wore the same outfit holding him on my way there and did not have this issue so it's pretty annoying to pay \$60 (\$50+tax+\$5 tip) and to have the dog dirtier and shedding more than when I dropped him off. At that point I was still going to give it 4 stars and ask them to cut his hair before bathing next time. But then I also noticed one of his legs wasn't blow dried straight like the other 3. There was a small cut matted with fresh blood that he won't stop licking now. Nobody mentioned anything about it and it's clear the groomer noticed since she did not complete the grooming in that area. They also didn't clean the hair around his eyes. I came here because it was cheaper than my usual place and had good reviews, but I'd rather pay the extra \$15 to take him somewhere I won't have to changes clothes, vacuum the car, and worry he might get injured and I not be informed. The store itself had a great selection of items. Convenient location. Probably won't return because of the amount of hair all over me right now alone.



3 people voted for this review

Useful 4 Funny Cool 1

Exhibit C



The Dog Spot Sues Two East Nashville Facebook Group Members for Libel

Owners of the daycare and grooming business allege women lied about pet mistreatment and deaths

BY CARI WADE GERVIN — FEB 27, 2018 12 PM



Is The Dog Spot in East Nashville a safe place for doggos like these to play? Two women said it wasn't, and they got sued.

SOURCE: THINKSTOCK

Two members of the prolific and often exasperating East Nashville Facebook group have been sued by twin brothers and developers Andy and Chad Baker, the owners of The Dog Spot. The lawsuit, filed in Davidson County Circuit Court on Feb. 14, alleges that Jamie Bayer and Bari Rachel Miley Hardin are guilty of libel, false light publicity, misrepresentation, fraud and intentional interference with a business relationship — all over a handful of Facebook posts. The Bakers are seeking \$2 million in damages

The Bakers own three locations of the doggie daycare, boarding and grooming business — one in East Nashville, one in the Nations and one in Mt. Juliet. Another location of The Dog Spot is in the 505 Building downtown for its residents' use.

As with probably any pet-related business, emotions run high in online reviews and comments — it is either the *best place ever* to take your precious ball of fur, or the worst experience you've ever had and poor Fluffy will never be the same. According to the lawsuit, Bayer and Hardin didn't express their own negative experiences, but instead accused The Dog Spot's staff of killing multiple dogs, something the Bakers say is untrue.

Per the lawsuit filing, Bayer posted in the East Nashville Facebook group on Jan. 31 of this year: "Does anyone have an accurate count on how many dogs have died at The Dog Spot? I used to take my dogs there but stopped when I found out two dogs died there. Since then I've heard up to four, and recently even seven. Does anyone have an actual number? I know a lot of people go there and it seems none of them are aware of this."

Then, on Feb. 7, Hardin and Bayer began commenting on a thread that asked for recommendations for a doggie daycare. When The Dog Spot was mentioned, Hardin posted, "Lots of dogs have been killed there," and said that people have been paid off not to publicly talk about their dogs' deaths. Bayer chimed in, "There are too many confirmed things that have happened there to feel comfortable ever taking a dog there."

On Feb. 13, both posted again on a different thread seeking recommendations for grooming. "I will absolutely mention what's happened in the past every time someone brings up that business, if I can save one dog from killed, I will," Hardin wrote. "It would be irresponsible of me to not mention facts."

All the posts have since been deleted, but the Bakers contend the comments are all false, malicious and libelous.

"The Dog Spot has been voted Best in Nashville every year since our inception," Chad Baker wrote in an email to Pith. "People who have actually been to our stores know that we operate a great business. Although legal action was our last resort, due to the viciousness of lies posted on social media, The Dog Spot chose to take legal action to protect the reputation, integrity and very foundation of the businesses we have worked so hard to build. Social media is a great way to connect with friends and to get recommendations, but just as people are not allowed to yell 'fire' in a movie theater, they're also not allowed to post outright lies on social media."

It is factual that at least one dog has died while in The Dog Spot's care: Hall the Chihuahua, who died in March 2017 while boarding at the East Nashville location with his brother Oates. Hall was apparently placed in a play area with larger dogs and was

attacked; he later died from his injuries. When WSMV reported the incident last year, the Bakers said their staff did nothing wrong. Hall's owner, Rachel Waldrop, sued last month over the death; she did not return a call for comment.

After Hall's death made headlines, there was predictably a social media backlash, which resulted in a lot of negative posts, which the Bakers or their staff then deleted — and that then generated another round of outrage. But while the Bakers do have a long-documented history of deleting negative posts, they also leave many up. A search of the East Nashville Facebook group finds several comments about bad experiences at The Dog Spot dating back years. And there are a number of posts on Yelp that describe really horrific alleged experiences — and we should warn you, don't click through if reading about dogs getting hurt upsets you. (The posts about a dog dying are from Waldrop and her husband Matthew, but the other posts are not, and some of them are gruesome.)

Those posts are still up, but Bayer and Hardin got sued? Hardin's attorney Daniel Horwitz said it's ridiculous.

"Given that The Dog Spot is currently being sued over the high-profile death of a dog in its care, you'd think that its owners would have enough sense not to file yet another frivolous SLAPP*-suit calling attention to that clearly established fact," says Horwitz. "The Dog Spot is about to learn a very expensive lesson about free speech, and we look forward to seeing them in court for a very short period of time and exposing this ridiculous case for the sham that it is."

And, yes, when Horwitz says "another frivolous SLAPP-suit," that's not a typo. In July 2017, the Bakers sued Elizabeth McKoy Davis and an unknown John Doe they say was working with her over an unflattering Yelp review.

According to the lawsuit, which is still in the discovery stage, Davis regularly brought her Old English Sheepdog Julia Sugarbaker** to The Dog Spot's West Nashville location for three years until last March, when the dog bit an employee and was subsequently banned. Davis nevertheless dropped Julia Sugarbaker off for daycare two weeks later. When the staff realized the mixup, they called Davis to come get her dog. When she did so, some sort of confrontation occurred, after which Davis posted on Yelp that The Dog Spot

"should be reported for animal cruelty" and that her dog had a huge gash in her leg that required veterinary treatment. The lawsuit claims that Davis "acted with such malice and with a degree of moral turpitude and atrocity that [she] should be assessed punitive damages." The lawsuit also asks for \$2 million in damages.

But Davis' response tells a different story. She says she was told her dog nipped another dog, not a human, and that she was not told she was banned from the daycare. When she was called to pick up her dog, she says she acted rudely but was not threatening. And she says she deleted her Yelp review under pressure but has provided documentation to back it up as part of the normal legal discovery process.

And pressure to delete bad reviews isn't new for the Bakers either. In a series of Facebook messages, Chad Baker threatened the administrators of the East Nashville Facebook group with legal action unless they deleted the posts by Hardin and Bayer.

"We put you on notice," Chad Baker wrote on Feb. 10. "This is no joke. You guys are all getting served SOON. Either at work or at home. We're stopping this shit now. All the trolls and those assisting them are being named in a massive libel suit." A message followed that listed all the group administrators' names and home addresses.

"Let me know if I have the right addresses for everyone," Baker added with a winking emoji.

The Bakers have also posted positive reviews of their own businesses, under their own names, but pretending to be new customers who have just discovered The Dog Spot.

"Took my dog for daycare and she loved it," Andy Baker wrote in a 5-star Google review. "i didn't know they offered grooming but they do, so the next time my furbaby needs a cut I will be sure to try them out too."

"The Dog Spot is awesome," Chad Baker commented in a different 5-star review. "I've been taking my dog there for years. Once he came home with a small scratch, but that's just part of life. The good certainly outweighs the bad."

The *Scene* asked the Bakers why, specifically, these particular Facebook and Yelp posts had warranted lawsuits, especially given the other comments that are still up — and given that libel suits are notoriously hard to win.

"The legal cases that are being pursued are due to the severity of the COMPLETELY false allegations that seven dogs were killed at The Dog Spot," Chad Baker says. "These are serious accusations that are maliciously being shared through social media and other communication channels such as Yelp. We have reason to believe through some of our independent research that there are some competing businesses linked to the sources of the false information.

"The fact is: Seven pets did not die while in our care and we challenge the accusers to produce names and other proof of this slanderous claim," he continues. "This is still being investigated and is an open legal matter so that is all I can say at this time. And to be frank, that's really more than I should have said but the integrity of the businesses that I have worked so hard for are under fire and I just can't stand by and say 'No comment.' This is all very painful both professionally and personally. Although the wheels of justice move slowly and it may take a long time for the justice system to reveal the truth, we look forward to our day in court. Thank you for taking the time to let me share the facts."

Horwitz said he hopes the case will be immediately dismissed.

** A SLAPP — or Strategic Lawsuit Against Public Participation — is a lawsuit filing that is intended to censor, intimidate or silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition.*

*** We can't help but comment: Julia Sugarbaker is a damn fine name for a sheepdog.*



This site requires you to **login** or **register** to post a comment.



Posted by pershing83

Feb 27 2018 19:27

This comment has been reported.

Dogs! A disgusting recitation of crazy dog owners bad behavior and their mean dogs. Meanwhile in the skies across America, a child is bitten by a service dog. <https://www.usatoday.com/story/travel/flights/todayinthesky/2018/02/22/emotional-support-dog-bites-child-southwest-flight-debate-animals-airlines/362759002/>



Posted by comesitstay
wondering what is going on

Feb 27 2018 17:24



Posted by collinsgc
T.C.A. 44-17-403 - provide for \$5,000.00 in damages for the negligent death of an animal.

Feb 27 2018 15:49



Posted by tac79
This is insanely ridiculous. That's all I'll say, for fear of getting sued.

Feb 27 2018 14:15

Load More

Exhibit D

20 Reviews Removed for Violating our Terms of Service



Kimmy Y.
Franklin, TN
0 friends
0 reviews



6/12/2017

This review has been removed for violating our Terms of Service



Chad J.
Nashville, TN
0 friends
5 reviews
1 photo



5/5/2017

This review has been removed for violating our Terms of Service



Nicole M.
Milwaukee, WI
0 friends
1 review



4/29/2017

This review has been removed for violating our Terms of Service



Kristin C.
Nashville, TN
0 friends
1 review



4/29/2017

This review has been removed for violating our Terms of Service



J Y.
Saint Louis, MO
8 friends
151 reviews
86 photos



4/29/2017

This review has been removed for violating our Terms of Service



Sarah W.
Nashville, TN
0 friends
3 reviews
1 photo



4/28/2017

This review has been removed for violating our Terms of Service



N E.

Antioch, TN

0 friends

6 reviews

2 photos

4/28/2017

This review has been removed for violating our Terms of Service



Caitlin H.

Brentwood, TN

226 friends

0 reviews

4/28/2017

This review has been removed for violating our Terms of Service



Chad J.

Nashville, TN

0 friends

5 reviews

1 photo

4/27/2017

This review has been removed for violating our Terms of Service



Vicki L.

Nashville, TN

31 friends

2 reviews

4/27/2017

This review has been removed for violating our Terms of Service



Denice H.
Nashville, TN
👥 54 friends
★ 4 reviews



This review has been removed for violating our Terms of Service

4/27/2017



Rach S.
Nashville, TN
👥 0 friends
★ 27 reviews



This review has been removed for violating our Terms of Service

4/26/2017



Candace L.
Nashville, TN
👥 0 friends
★ 41 reviews
📷 17 photos



This review has been removed for violating our Terms of Service

4/26/2017



Jenny A.
Nashville, TN
👥 7 friends
★ 47 reviews
📷 8 photos



This review has been removed for violating our Terms of Service

4/26/2017



Morgan M.
TN, TN
👥 145 friends
★ 0 reviews



This review has been removed for violating our Terms of Service

4/26/2017



Sarina T.
Amarillo, TX
👥 37 friends
★ 94 reviews
📷 38 photos



This review has been removed for violating our Terms of Service

3/3/2017

Exhibit E

⌕ EastNashville.news > blog > The Dog Spot Shuts Down Social Media Reviews, Posts, & Entire Facebook Page; Baker Twins (DogSpot Owners) Harass Neighbors & Tenants

The Dog Spot Shuts Down Social Media Reviews, Posts, & Entire Facebook Page; Baker Twins (DogSpot Owners) Harass Neighbors & Tenants

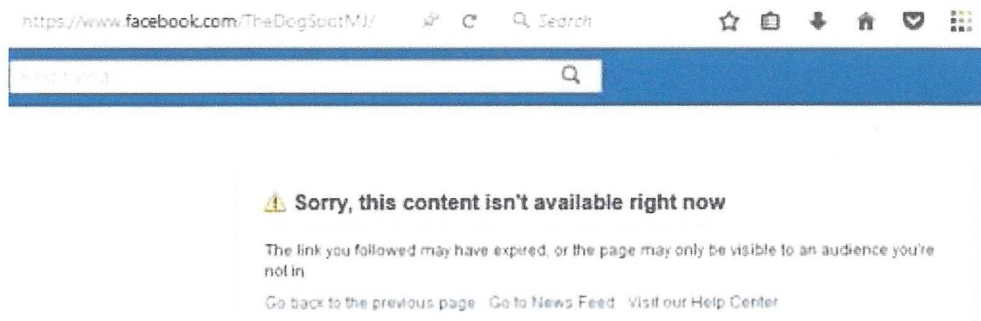
I J Steen □ April 28, 2017 v 1 Comment

m blog

□ baker twins, boycott, chad baker, dog day care, dog death, dog spot, dog spot east nashville, dog spot mt. juliet, dog spot west nashville, east nashville, Nashville, wsmv

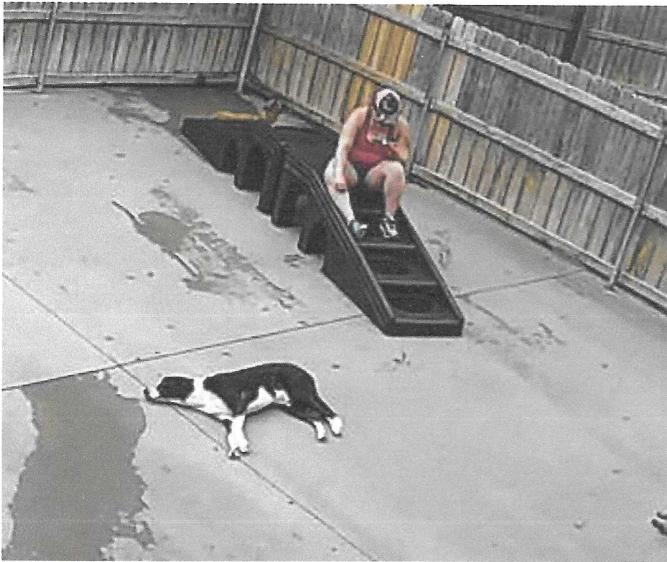
The Dog Spot, originally here in [East Nashville](#), and it's two sister locations – [West Nashville](#) & [Mt. Juliet](#) – [are in the midst of a social media meltdown](#). In the past 48 hours, the company has shut down reviews and posts to several of it's Facebook Pages, and deleted all comments left on current posts and photos, within minutes of them being posted by customers or potential customers. Then this morning, [Nashville Exposed](#) began to post photos of Employees of The Dog Spot, starting with the Mt. Juliet Location, doing things other than watching the dogs. They were captured on their cell phones, lying down on dog play spaces, reading, etc.. for 10+ minutes at a time.

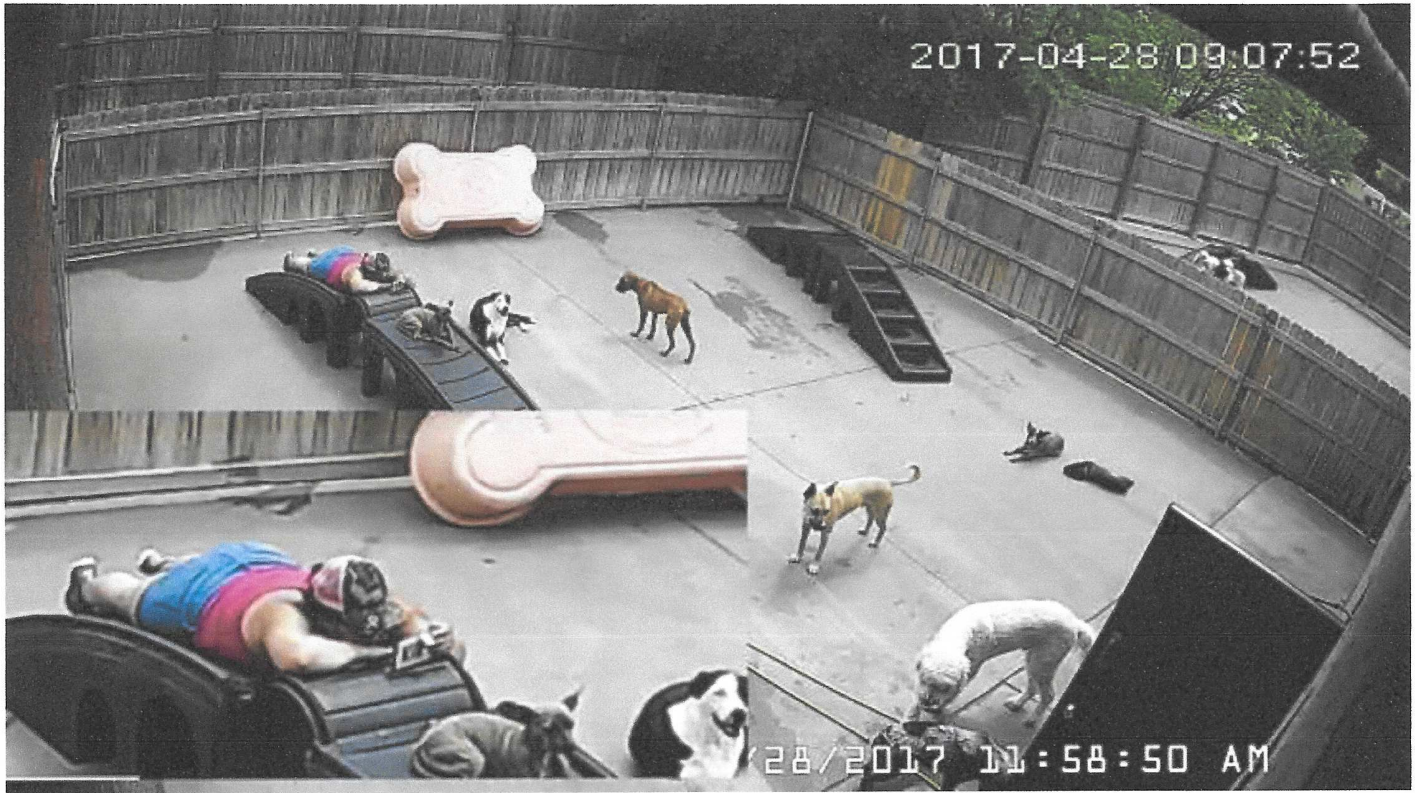
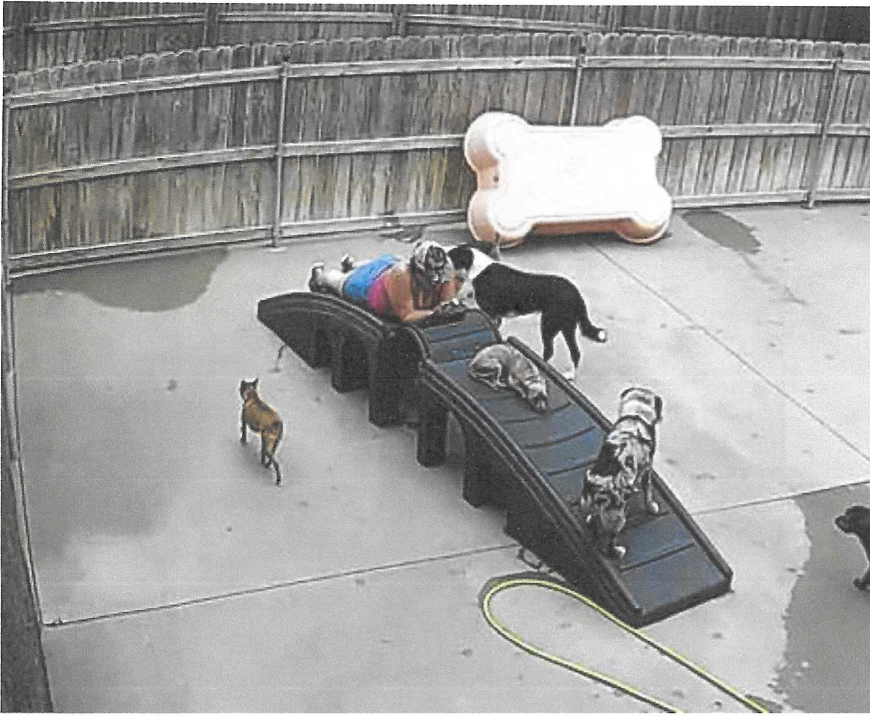
Shortly after those were published, the Facebook page for [The DogSpot \(Mt. Juliet\)](#) went dark, shut down so that no one could tag, comment, post, or review. The page was simply unpublished so that no one could access it, to prevent any negative backlash from the Company. Did the United Airlines fiasco not teach companies how to respond better than this?



UPDATE: As of 3PM, The facebook page was brought back online from earlier in the day when it was disabled. Comments continue to be deleted within minutes of being posted, on all of their social media sites for all locations, and twitter complaints are being reported to twitter as abuse. This is typical behavior of the Baker Twins, who own the Dog Spot, as they have a history of calling people who leave complaints to harass them, and even show up at their tenants apartments and put them on youtube when they are a few hours late with their rent. Their history of harassment should be reason enough to not trust them with your dog.

Here's some of the photos captured this morning, showing employees with phones in their faces, not looking up for 10+ minute periods at a time, lying down on the dog areas, and just general disregard for anything put their phones. Also, below, some video of how the Bakers harass people in the past, showing their character.







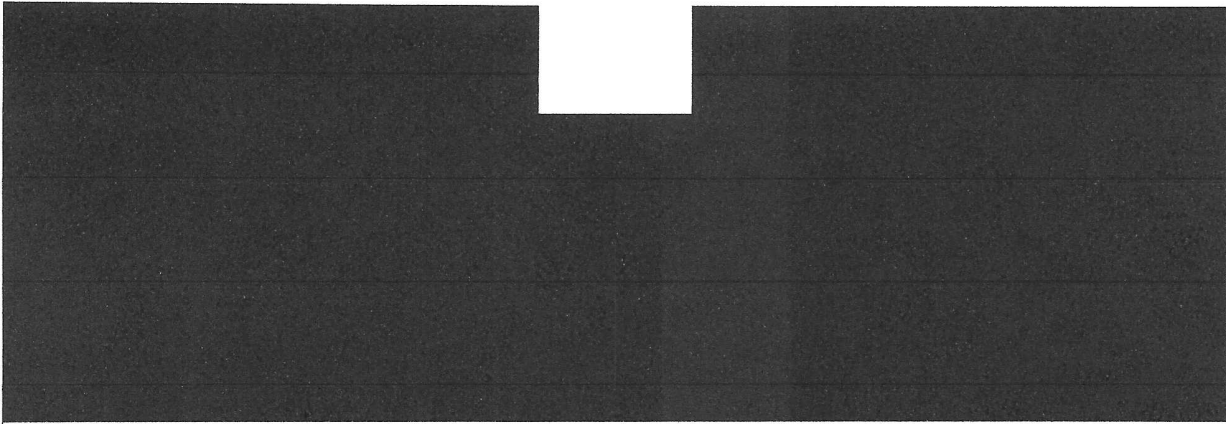
Here is a video, taken by the Baker Twins, showing them harassing tenants, and putting them on youtube for being a few hours late on rent, and bullying people:



00:00

01:40

This isn't the first time, not even the fifth time, that the Baker twins have been in the news for bullying, here's an old WSMV story:

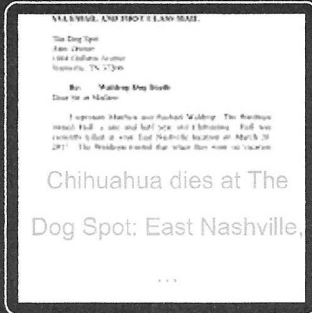


00:00

02:35



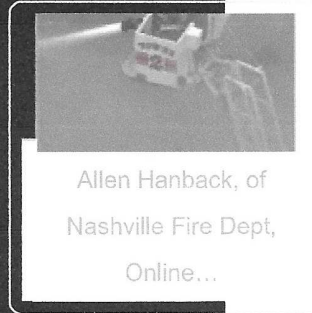
The DogSpot East Nashville: Weekend Remodel to...



Chihuahua dies at The Dog Spot: East Nashville, ...



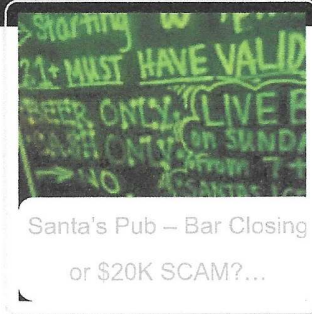
Party in Prison III: Inmate Kortavious Carwell...



Allen Hanback, of Nashville Fire Dept, Online...



Nashville Fire EMT Laura Huffstutler: Issues Vague...



Santa's Pub - Bar Closing or \$20K SCAM?...

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1 Comment



William

May 8, 2017 at 9:09 pm

This guy's are scumbags with money. They have "special" relationships with certain female employees.

Exhibit F

**IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE**

DS Three, LLC)	
d/b/a The Dog Spot West Nashville,)	
)	
Plaintiff,)	
)	No. 17C1425
v.)	
)	JURY DEMAND
Elizabeth McKoy Davis and)	
John Doe,)	
)	
Defendants.)	

**PLAINTIFF DS THREE, LLC, d/b/a THE DOG SPOT’S ANSWER TO DEFENDANT
ELIZABETH DAVIS’S FIRST SET OF INTERROGATORIES, REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS,
AND REQUEST TO ADMIT TO PLAINTIFF**

COMES NOW, Plaintiff DS Three, LLC, d/b/a The Dog Spot West Nashville, by and through counsel, and hereby submits its responses to the First Set of Interrogatories, Requests for Production of Documents and Things, and Request to Admit to Plaintiff propounded to Plaintiff, pursuant to Rules 26, 33, and 34 and 36 of the Tennessee Rules of Civil Procedure, and responds as follows:

PRELIMINARY STATEMENT

The responses of the Plaintiff, Plaintiff DS Three, LLC, d/b/a The Dog Spot West Nashville, (hereinafter referred to as “Plaintiff” or “The Dog Spot West Nashville”) contained herein are made specifically subject to the general objections stated below and any specific objection contained within each response to the independently numbered interrogatory and request. Discovery in this matter is still ongoing. Therefore, the responses of Plaintiff are based on that information known at present. The Plaintiff specifically reserves the right to change, amend, or supplement any answer or response contained herein

as discovery continues. The fact that a specific objection is contained in an individual answer shall not constitute a waiver of any general objections set forth below.

GENERAL OBJECTIONS

This Plaintiff incorporates the following objections by reference into each specific answer and response set forth below.

1. This Plaintiff objects to each and every Interrogatory and Production Request to the extent that it calls for information subject to and/or protected by the attorney-client privilege, work-product doctrine, right to privacy, or any other right or privilege afforded by law, either State or federal.
2. This Plaintiff objects to each and every Interrogatory and Production Request to the extent that it seeks information or documents that are equally available to the Defendants, a matter of public record, or the subject of prior disclosure.
3. This Plaintiff objects to each and every Interrogatory and Production Request to the extent that it seeks information or documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence.
4. This Plaintiff objects to each and every Interrogatory and Production Request to the extent that it is not ripe as discovery is still ongoing and calls for information equally available to Defendants.
5. This Plaintiff reserves the right to supplement or amend its answers and responses set forth herein as information becomes available in accordance with the Tennessee Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1. Identify each person with whom you consulted, upon whom you relied, or who otherwise constituted a source of information for you in connection with the preparation of your answers to these discovery requests. With respect to each person identified, describe the information provided.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff's answers were made by member/manager, Gary Chad Baker, by and through the assistance of his attorney of record, Kara Everett.

INTERROGATORY NO. 2. Identify each person whom you believe has knowledge of any facts pertaining to the issues being litigated in this case, stating the name, address, telephone number, and email address of each person so identified, with a summary of the facts of which knowledge is claimed.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to

lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

Gary Chad Baker, 1013 Gallatin Ave, Nashville, TN 37206, 615-208-9900

Elizabeth Davis, (contact information known to Defendant's counsel)

Teresa, TDS West Nashville, 5001 Alabama Ave, Nashville, TN 37209
615-334-0000

Heather Anderson, TDS West Nashville, 5001 Alabama Ave, Nashville, TN 37209
615-334-0000

Elizabeth Claussen Maners a/k/a Montie Maners, 104 Keyway Drive, Nashville, TN 37205

Chungt-Hsuan Yu, D.V.M., Banfield Pet Hospital West Nashville, 6622 Charlotte Pike, Nashville, Tennessee 37209, 615-353-3800

Lori Schwartzmiller, lls8209@hotmail.com

INTERROGATORY NO. 3. Identify all communications between or among The Dog Spot's employees and/or management referring or related to Julia Sugarbaker, Elizabeth Davis, and/or Ms. Davis's Yelp! or Facebook post. For each communication, include the identity of the person(s) who participated; the method/form of each communication; the date on which each communication occurred; and the substance of each communication.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to

lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

(1) Teresa, employee of The Dog Spot West Nashville, see attached email dated April 15, 2017 at 12:34 p.m.

(2) Heather Anderson, employee of The Dog Spot West Nashville, see attached email dated April 15, 2017 at 11:15 a.m.

Plaintiff reserves the right to amend its answer upon further investigation and discoverable information.

INTERROGATORY NO. 4. Identify all communications between The Dog Spot and any third parties referring or related to Julia Sugarbaker, Elizabeth Davis, and/or Ms. Davis's Yelp! or Facebook post. For each communication, include the identity of the person(s) who participated; the method/form of each communication; the date on which each communication occurred; and the substance of each communication.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or

Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 5. Identify all communications between The Dog Spot and Ms. Davis related to Julia Sugarbaker and/or Ms. Davis's Yelp! or Facebook post. For each communication, include the identity of the person(s) who participated; the method/form of each communication; the date on which each communication occurred; and the substance of each communication., or with Ms. Davis,

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in

anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 6. Please list and provide information and details regarding any individual who emailed, texted, wrote, or verbally told The Dog Spot that he or she would refrain from using The Dog Spot or any of its services (or use those services less often) specifically due to any statement made by Elizabeth Davis (including an online post). Also, please provide any documentation supporting these conversations or correspondence.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 7. Identify all person who have made any communications to the Dog Spot regarding any statement made by Ms. Davis regarding the Dog Spot, including any online post by Ms. Davis regarding the Dog Spot. Describe any such communications in detail. Also, please provide any documentation supporting such communications.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 8. Please describe The Dog Spot's policies and procedures as to maintaining its business Facebook account and its policies and procedures related to editing or taking down reviews.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 9. Please provide the date, time, and supportive documentation showing when The Dog Spot removed Elizabeth Davis's review from its business Facebook page.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville has been unable to remove Ms. Davis' post from Facebook and had to delete all reviews due to Ms. Davis' single review. The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 10. Please identify the number of followers The Dog Spot and its related Facebook pages had as of April 14, 2017.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 11. Please identify the number of followers The Dog Spot and its related Facebook pages had as of June 12, 2017.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent

it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 12. Please identify any review, other than the one posted by Elizabeth Davis, that has been removed from The Dog Spot's Facebook page.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 13. Please identify every fact supporting your contention that Ms. Davis's online posts have caused money damages to The Dog Spot.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation.

INTERROGATORY NO. 14. Please identify the exact dollar amount The Dog Spot claims it has been damaged by Ms. Davis's post and how you arrived at this calculation.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests

information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation.

INTERROGATORY NO. 15. Describe in detail every category of damages you claim in this lawsuit, the amount sought for each category, the basis for your claim that you are entitled for each such amount, and the methodology or formula used to calculate each such exact dollar amount.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, speculative, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint and/or Amended Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation.

INTERROGATORY NO. 16. Identify all expert witness(es) retained by you, including (i) all opinions relevant to this case held by such expert witness, (ii) all past cases and opinions given by the expert witness, (iii) all past articles, publications, and seminars of

the expert, (iv) all transcripts and expert reports of the expert, and (v) all communications with that expert.

RESPONSE:

No decision has been made as of this date with regard to expert witnesses. This Interrogatory response will be supplemented in accordance with the Tennessee Rules of Civil Procedure and Local Rules of Practice.

INTERROGATORY NO. 17. Identify every lawsuit to which you or any entity you managed or controlled, either solely or partially, has been named a party, and state the nature of the litigation, the court of proceeding, the docket number, and the outcome.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation.

INTERROGATORY NO. 18. Explain the search methods used to gather all of the documents requested in these discovery requests, including which servers, databases, or email accounts were searched or the methods used to retrieve analytics information from social media sites.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation.

INTERROGATORY NO. 19. For your Facebook page for the time period at issue, identify the number of page views and number of unique users to view the page.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation. Without waiving such objection, Plaintiff answers as follows:

The Dog Spot West Nashville is in the process of reviewing and downloading its Facebook and/or Yelp! page history for appropriate response to this Interrogatory which will be supplemented upon receipt.

Plaintiff reserves the right to amend its answer upon further investigation and discovery.

INTERROGATORY NO. 20. Identify all customers or prospective customers who you contend did not use your services because of Ms. Davis's online posts.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information that is not relevant to the claims alleged in the Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation.

INTERROGATORY NO. 21. Identify all customers or prospective customers who made any statements to you about the death of a dog at any of The Dog Spot facilities in 2017.

RESPONSE:

Objection. The Plaintiff objects to this interrogatory because it is vague, overly broad, unduly burdensome, cumulative and not reasonably calculated to lead to the discovery of admissible evidence. Further, this interrogatory requests information

that is not relevant to the claims alleged in the Complaint. Additionally, Plaintiff objects as this interrogatory requests Plaintiff to express a legal and/or expert opinion. Finally, the Plaintiff objects to this interrogatory to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in anticipation of litigation.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST NO. 1. All documents and/or communications supporting, referred to, identified in, or in any way related to any of the foregoing responses to interrogatories.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 2. All documents and/or communications that refer, relate to, support, or contradict the facts and/or allegations at issue in this cause of action.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 3. All documents and/or communications that you reviewed, referenced, or relied upon in connection with preparing or filing your complaint or any other pleadings and filings in this cause of action.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 4. All documents and/or communications that refer or relate to Ms. Jones and/or Julia Sugarbaker.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 5. Please produce the personnel file of the manager on duty on April 14, 2017 at The Dog Spot, West Nashville.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 6. Please produce any documentation or customer file for Julia Sugarbaker and/or Elizabeth Davis.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 7. All documents and/or communications relating to the April 14, 2017 “incident” with Julia Sugarbaker and Elizabeth Davis.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 8. All documents and/or communications upon which The Dog Spot relies to contend that Ms. Davis’s post was false and/or malicious in some way or that she made the statements intentionally to illicit public hatred, contempt, ridicule and wrath.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, SEE ATTACHED.

REQUEST NO. 9. Any and all documents and/or communications that you contend substantiate a claim for damages for the causes of action alleged in this lawsuit.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, Plaintiff asserts response to this request is ongoing and will be produced in a supplemental response.

REQUEST NO. 10. All documents sufficient to show the number of page views or unique users who viewed your Facebook page from January 2017 through the present, with as much detail as possible as to the number of view or users per day or week.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the

anticipation of litigation. Without waiving such objection, Plaintiff asserts response to this request is ongoing and will be produced in a supplemental response.

REQUEST NO. 11. All documents in which any customer or prospective customer mentioned Ms. Davis's online posts to you.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, Plaintiff asserts response to this request is ongoing and will be produced in a supplemental response.

REQUEST NO. 12. All documents in which you reference any statement to you by any customer or online customer regarding Ms. Davis's online posts.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the

work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation. Without waiving such objection, Plaintiff asserts response to this request is ongoing and will be produced in a supplemental response.

REQUEST NO. 13. Your financial statements, both audited and un-audited, for past three years, including but not limited to profit and loss statements and balance sheets on a monthly basis.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation.

REQUEST NO. 14. All documents given to any expert witness.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the

work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation.

REQUEST NO. 15. Documents sufficient to show all customers that have used The Dog Spot in the past two years and any contact information for those persons.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation.

REQUEST NO. 16. Documents sufficient to show your revenues associated with each customer that has used The Dog Spot in the past two years and if possible to identify the amounts received from those customers on a weekly or monthly basis.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the

work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation.

REQUEST NO. 17. All documents related to any analysis of how the death of a dog(s) at any Dog Spot facility has impacted your business.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation.

REQUEST NO. 18. All documents related to “investigation” alleged in paragraphs 51-52 of amended complaint.

RESPONSE:

Objection. Plaintiff objects to this request because it is vague, overly broad, unduly burdensome and not limited in time or scope. Moreover, the request asks for information that is not relevant to the allegations in the Complaint and/or Amended Complaint because it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the Plaintiff objects to this request to the extent it calls for information protected by or subject to the attorney-client privilege and/or the

work-product doctrine or to the extent that it calls for any information created in the anticipation of litigation.

REQUESTS TO ADMIT

REQUEST TO ADMIT NO. 1. No one has ever told you that he or she viewed or heard any statements by Ms. Davis about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 2. None of your customers have ever told you that he or she viewed or heard any statements by Ms. Davis about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 3. None of your prospective customers have ever told you that he or she viewed or heard any statements by Ms. Davis about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully

downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 4. No person has ever told you that he or she viewed Ms. Davis's online posts about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 5. None of your customers have ever told you that he or she viewed Ms. Davis's online posts about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 6. None of your prospective customers have ever told you that he or she viewed Ms. Davis's online posts about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 7. None of your customers have ever told you that he or she would stop using The Dog Spot or any of its services due to Ms. Davis's online posts about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 8. None of your customers have ever told you that he or she would use The Dog Spot's service less often due to Ms. Davis's online posts about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 9. At this time, you cannot identify a single prospective customer who chose not to use The Dog Spot's services due to Ms. Davis's online posts about The Dog Spot.

RESPONSE:

Denied as of the time of this Response. Plaintiff reserves the right to amend its answer upon additional discovery, investigation and/or receipt of fully

downloaded Facebook and/or Yelp! accounts of both Plaintiff and Defendant Davis.

REQUEST TO ADMIT NO. 10. The Facebook post by Elizabeth Davis was posted on April 14, 2017 and was removed on April 28, 2017. FB post went up on X date and removed on Y date.

RESPONSE:

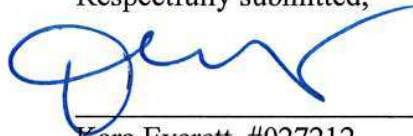
Objection to the portion of the “Request to Admit No. 10” that refers to “FB post went up on X date and was removed on Y date” as it appears to be a typographical error and is unanswerable. Plaintiff admits the Facebook post made by Elizabeth Davis was posted on April 14, 2017. Plaintiff cannot admit or deny as to the specific date the Facebook post was removed but reserves the right to amend its answer upon verification of a specific date of removal, if it was removed at all.

REQUEST TO ADMIT NO. 11. The Yelp post by Elizabeth Davis was posted on April 14, 2017 and removed by April 16, 2017.

RESPONSE:

Plaintiff admits the Yelp! Post by Elizabeth Davis was posted on April 14, 2017. Plaintiff cannot admit or deny as to the specific date the Yelp! post was removed but reserves the right to amend its answer upon verification of a specific date of removal, if it was removed at all.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Kara Everett, do hereby certify that a true and exact copy of the foregoing Answers has been forwarded by U.S. Mail, postage prepaid, on this the 8th day of January, 2018, to:

Ryan T. Holt
Amy R. Mohan
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Kara Everett