

2. JURISDICTION AND VENUE

2.1 The Plaintiff re-alleges all allegations set forth in the previous section as if fully set forth herein.

2.2 This Court has jurisdiction pursuant to Tennessee Code Annotated § 16-10-101.

2.3 Venue is proper in this Court pursuant to Tennessee Code Annotated § 20-4-101.

3. FACTUAL ALLEGATIONS

3.1 Plaintiff Brittany Stevens currently serves the Town of Smyrna as the Smyrna Court Clerk. Ms. Stevens served as the interim Court Clerk from February 23, 2016, through August 2016, at which she was duly elected by the citizens of Smyrna and transitioned from interim to the official, elected, Smyrna Court Clerk.

3.2 On or about August 11, 2019, John Does began circulating a partially drafted and hand-written Tennessee Ethics Commission Sworn Complaint that was complete with all information except two sections: (1) the Complainant's Identifying Information (First and Last Name, Mailing Address, Telephone, and E-mail); and (2) the Complainant's Affidavit with the Complainant's signature and notary seal. A copy of this unsigned Complaint ("Anonymous Complaint") is attached hereto as Exhibit A.

3.3 Upon information and belief, John Does circulated the Anonymous Complaint using Guerrilla Mail, a free disposable email address service that deletes all emails from the recipients' email inbox one (1) hour. Upon information and belief, this was done in an effort to conceal John Does true identities.

3.4 The Anonymous Complaint was encrypted with software that attempted to hide the identifying information of the sender to prevent it from being traced to John Does, who are

believed to be the authors of the Anonymous Complaint.

3.5 On or about August 13, 2019, Defendant Tony Sees allegedly signed a Tennessee Ethics Commission Sworn Complaint (“Signed Complaint”) and filed this Complaint with the Tennessee Ethics Commission. A copy of the Defendant’s Signed Complaint is attached hereto as Exhibit B. The Signed Complaint is identical to the Anonymous Complaint but for the Signed Complaint containing Defendant Sees’ identifying information and sworn signature. The handwriting of the body of the Complaints differs and is obviously written by two (2) different persons.

3.6 Defendant Sees is not a registered voter in Rutherford County, Smyrna, Tennessee, nor is he a constituent of the Plaintiff.

3.7 The Complaints allege “Brittany Stevens did not disclose her source of income at Stevens & Stevens PLLC on her 2019 Statement of Disclosure Interests (SS-8005). Her brother, Robert Stevens certified this filing as true.” This is a false statement.

3.8 The Complaints allege that the following law or rules were violated: “T.C.A. § 23-3-102; T.C.A. § 8-50-501 – 502(1), Potentially R[ules] [of] P[rofessional] C[onduct] 1.11; Potentially § 2-10-124(a).” These are false accusations.

3.9 The Complaints allege that Plaintiff Stevens “may have substantially or materially been involved in cases in which she represented private clients within her own jurisdiction, and in any case, it is reasonable to presume that a clerk of the courts is privy to confidential governmental information, while representing private clients in that jurisdiction.” This is a false statement.

3.10 The Complaints allege “[i]f ‘Consulting Services’ means services performed as a

professional whose expert opinions might be relied upon, and would include attorney consultations, then both Robert and Brittany Stevens have violated TCA § 2-10-124(a) each time they provided legal advice to a private client without disclosing it to the commission.” This is a false accusation.

3.11 For documents and other materials in the complainant’s possession, the Defendants listed “Brittany Stevens’ Financial Disclosure Statement; Brittany Stevens’ professional website which does not list her as a clerk; Brittany Stevens’ linkedin listing her concurrent positions.”

3.12 On or about August 15, 2019, an individual in Rutherford County raised questions to another person about the allegations raised in the Anonymous and Signed Complaints on the evening of the Rutherford County Commissioners’ Meeting. This was surprising because the neither Signed Complaint, nor its allegations, had been made public at the time of this discussion. The Signed Complaint was filed confidentially.

3.13 Plaintiff Stevens received the Signed Complaint via Certified Mail on August 20, 2019, several days after it was discussed the night of the public Commissioners’ Meeting.

3.14 There have been various articles published pertaining to the Defendants’ defamatory Complaint. Upon information and belief, the Defendants published the Complaint to other individuals, including, but not limited to, news outlets. The Murfreesboro Voice published an article on August 22, 2019, and the Daily News Journal published an article on August 26, 2019. Both of these articles printed the confidential Signed Complaint and discussed the false allegations therein. The Daily News Journal Article even published a photograph of Plaintiff Stevens. The Murfreesboro Post published an article dated August 26, 2019. The false

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allegations contained in the Defendants' Complaint have also been published on numerous social media platforms to a variety of audiences.

3.15 Robert Stevens, Rutherford County Commissioner for District 12, penned a response in defense of the false allegations of the Signed Complaint on August 21, 2019, requesting a retraction. A copy of this letter is attached hereto as Exhibit C.

3.16 Defendant Sees has refused to retract his statements or name the John Does that he worked in concert with on these Complaints.

3.17 Plaintiff Stevens is a licensed attorney who practiced law in and around Rutherford County from October 2013 through February 23, 2016. During this time period, Plaintiff Stevens practiced law at the law office of Stevens & Stevens, PLLC, a law practice operated by her brother, Robert Stevens, who is also District 12 Rutherford County Commissioner.

3.18 Plaintiff Stevens ceased the practice of law on February 23, 2016, when she was appointed to be the interim Court Clerk for the Town of Smyrna.

3.19 Plaintiff Stevens has not represented a client, nor engaged in the practice of law, in Rutherford County since her appointment to interim Court Clerk for the Town of Smyrna on February 23, 2016.

3.20 Plaintiff Stevens' LinkedIn profile was obviously not maintained nor current, as it contained minimal information, no photographs except a profile photo, and is not proof that she has operated a law office or engaged in the practice of law.

3.21 Upon information and belief, no inquiry was made to Stevens & Stevens PLLC, to ascertain the active status of Plaintiff Stevens' representation of clients by the Defendants

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prior to the drafting and filing of the false and defamatory Complaints.

3.22 Upon information and belief, no Freedom of Information Act Request was made to any public administrative body or Court within Plaintiff Stevens' jurisdiction to inquire as to her practicing law or representing clients in that jurisdiction by the Defendants prior to the drafting and filing of the false and defamatory Complaints.

3.23 Upon information and belief, Defendant Sees did not personally view Plaintiff Stevens' LinkedIn profile prior to being provided the draft of the Anonymous Complaint.

3.24 Upon information and belief, Defendant Sees did not personally write the allegations in the Complaint, which were prepared and circulated without his identifying information and his sworn signature.

3.25 Upon information and belief, Defendant Sees unreasonably relied upon false and defamatory statements made and prepared by Defendants John Does, and his reliance was with knowledge of their falsity or reckless disregard for the truth.

3.26 The Defendants could reasonably foresee the republication of the false and defamatory statements, and upon information and belief, it was their intent to publicly defame the Plaintiff.

3.27 The statements and allegations in the Complaints, and the Complaints themselves, were not provided in good faith, did not give credible information, were unsubstantiated, untrue, and the Defendant failed to reasonably investigate them before their publication.

3.28 Prior to the publication of the Complaints and allegations therein, the Plaintiff earned and enjoyed a positive reputation in the community.

4. DEFAMATION

4.1 The Plaintiff re-alleges all allegations set forth in the previous sections as if fully set forth herein.

4.2 The Defendants published false statements about the Plaintiff by distributing the Anonymous Complaint to more than one (1) person and discussing the allegations within the Complaint with more than one (1) person who understood the allegations and inferences stemming from these published false statements.

4.3 The Defendants published false statements about the Plaintiff by distributing the Signed Complaint to more than one (1) person and discussing the allegations within the Complaint with more than one (1) person who understood the allegations and inferences stemming from these published statements.

4.4 The false allegations made by the Defendants in their Complaints are reasonably understood as defamatory attacks against the Plaintiff's credibility and character.

4.5 The statements written in the Complaints were false.

4.6 The statements written in the Complaints were made with actual malice.

4.7 The Defendants made the statements in the Complaints with knowledge of their falsity or reckless disregard of whether they were false or not before publishing them.

4.8 Upon information and belief, the Defendants purposefully failed to inquire as to the truthfulness of the statements to such a degree as to discover that the allegations in their Complaints were false.

4.9 Upon information and belief, the Defendants entertained serious doubts of truthfulness of the Statements before they were made.

4.10 In publishing the false and defamatory statements, the Defendants relied upon information with obviously questionable credibility and truthfulness.

4.11 The Defendants published statements that were mandated to be confidential pursuant to the Rules of the Ethics Commission.

4.12 The Defendants acted with malice and a motive to harm the Plaintiff's reputation.

4.13 The Defendants published the Complaint and the allegations therein, despite the mandate that such allegations remain confidential, in an effort to harm the Plaintiff and her reputation.

4.14 The Defendants' statements harmed the Plaintiff's reputation as to lower her estimation in the community and deter third persons from trusting, dealing with, or voting for the Plaintiff.

4.15 The Defendants' statements resulted in personal humiliation, emotional distress, mental anguish and suffering by the Plaintiff.

5. CIVIL CONSPIRACY

5.1 The Plaintiff re-alleges all allegations set forth in the previous sections as if fully set forth herein.

5.2 The Defendants acted in concert with the common scheme and plan to circulate the Anonymous Complaint containing allegations prior to identifying a complainant. The Defendants acted in concert to have Defendant Sees sign the Complaint, under oath, that he did not originally draft to create the appearance that he acted alone.

5.3 The Defendants are two (2) or more persons who had knowledge of each other's intent to accomplish the unlawful purpose of harming the Plaintiff's reputation through false and

defamatory statements that they knew were false or acted with reckless disregard as to their falsity.

5.4 The Defendants are two (2) or more persons who had knowledge of each other's intent who attempted to accomplish a lawful purpose of filing an Ethics Complaint, but did so by unlawful means through defamatory statements that they knew were false or acted with reckless disregard as to their falsity.

5.5 The Defendants made public the Complaint and the allegations therein despite the mandate that such remain confidential in an effort to harm the Plaintiff.

5.6 The Defendants' statements harmed the Plaintiff's reputation as to lower her estimation in the community and deter third persons from trusting, dealing with, or voting for the Plaintiff.

5.7 The Defendants' statements resulted in personal humiliation, emotional distress, mental anguish and suffering by the Plaintiff.

6. DAMAGES

6.1 Plaintiff re-alleges all allegations contained in the previous five (5) sections as if fully set forth herein.

6.2 As a direct and proximate cause of the false and defamatory published statements and conspiracy by the Defendants, the Plaintiff has suffered actual damages.

6.3 The Defendants actions have caused the Plaintiff to suffer actual damages, both economic and non-economic, to which she is entitled to recover, including, but not limited to, harm to her reputation, humiliation and embarrassment, mental anguish and anxiety, and punitive damages.

6.4 The Defendants conspired together and acted intentionally, maliciously, and recklessly, with ill-will to defame the Plaintiff's character and credibility with knowledge of the falsity of their publication.

WHEREFORE, the Plaintiff, Brittany Stevens, sues the Defendants Tony Sees and John Does, and prays that:

1. Process issue on the Defendants requiring its responses to the allegations set forth in this Complaint within the time permitted by law;
2. The Plaintiff be awarded a JUDGMENT against the Defendants, individually, jointly, and severally, for the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) in compensatory damages;
3. The Plaintiff be awarded a JUDGMENT against the Defendants, individually, jointly, and severally for the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) in punitive damages;
4. The Plaintiff be awarded pre-judgment interest;
5. All costs associated with this matter be taxed to the Defendants, including any and all discretionary costs;
6. The Plaintiff be awarded her attorneys' fees and litigation expenses;
7. The Plaintiff be awarded such other remedies as shall be necessary and proper to eliminate the unlawful conduct of the Defendants; and
8. The Plaintiff receives such other, further, general, and equitable relief as this Court may deem fit and proper and is allowable by State law.
9. A finding of Sanctions, pursuant to Tennessee Code Annotated § 3-6-208, as the

Defendants filed a Complaint and provided information knowing that the information was false; filed an unsubstantiated Complaint with knowledge of its falsity and reckless disregard of the truth or falsity of the statements therein, abused the process of the Ethics Complaint, and submitted a Complaint that was signed by a person different than the one who completed the Complaint.

10. The Defendants be Ordered to publicly retract the false allegations stated in the Complaints.

Respectfully submitted,



TERRY A. FANN, BPR #12968
S. CHASE FANN, BPR #36794
Attorneys for Plaintiffs
Waldron, Fann & Parsley
101 N. Maple Street
Murfreesboro, TN 37130
(615) 890-7365
terryfann@wfptnlaw.com
chasefann@wfptnlaw.com



Sworn Complaint Tennessee Ethics Commission

This form must be used to report alleged violations of any law within the jurisdiction of the Tennessee Ethics Commission. Please read the instructions before completing this form (failure to complete the form properly may result in dismissal of the complaint pursuant to T.C.A. §3-6-203(a)).

IDENTIFYING INFORMATION	
1. Complainant (First and Last Name):	
Mailing Address:	
Telephone:	E-mail (if available):
2. Alleged Violators (First and Last Name of each alleged violator) Robert Stevens → Brittany Stevens →	List the position or title of each alleged violator Commissioner of Robertson County District 12 Court Clerk for Town of Smyrna
Mailing address of each alleged violator: 511 GNON SPRINGS RD E, Smyrna, TN 37167 (both)	

STATEMENT OF JURISDICTION
<p>1. Provide a short and plain statement of the nature of the violation(s). Brittany Stevens is a practicing attorney as well as an elected official, serving as the court clerk for the city of Smyrna. Robert Stevens is also an elected official, serving as both a county commissioner and an attorney. Brittany Stevens did not disclose her source of income at Stevens & Stevens PLLC on her 2019 statement of disclosure of interests (ss-8003). Her brother, Robert Stevens certified this filing as true.</p>
<p>2. List each law or rule (providing the specific citation) allegedly violated. TCA § 23-3-102 TCA § 8-50-501 - 502(c) Potentially R.P.C Rule 1.11 Potentially § 2-10-124(a)</p>



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STATEMENT OF FACTS

State all facts that constitute each alleged violation. State the dates upon which (or the time period within which) each violation allegedly occurred. Attach additional sheets as needed, signing and numbering each page.

Violation 1 - Brittany Stevens did not disclose that she was taking income from her law practice in 2019.

Violation 2 - Robert Stevens, her law partner, certified her statements, which omitted her law practice income.

Violation 3 - As a clerk of the court, Brittany Stevens should not be practicing within the jurisdiction in which she clerks.

Violation 4 - As the clerk of the court of the town of Smyrna, Brittany Stevens may have substantially or materially been involved in cases in which she represented private clients within her own jurisdiction, and in any case, it is reasonable to presume that a clerk of the courts is privy to confidential government information, while representing private clients in that jurisdiction.

Violation 5 If "consulting services" means services performed as a professional whose expert opinions might be relied upon, and would include attorney consultations, then both Robert and Brittany Stevens have violated TCA § 2-10-124(a) each time they provided legal advice to a private client without disclosing it to the commission.

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Sworn Complaint
Tennessee Ethics Commission BUREAU OF ETHICS & CAMPAIGN FINANCE

This form must be used to report alleged violations of any law within the jurisdiction of the Tennessee Ethics Commission. Please read the instructions before completing this form (failure to complete the form properly may result in dismissal of the complaint pursuant to T.C.A. §3-6-203(a)).

IDENTIFYING INFORMATION	
1. Complainant (First and Last Name): <i>Tony Sees</i>	
Mailing Address: <i>415 Elgin St. Nashville, TN 37211</i>	
Telephone: <i>615 521 8469</i>	E-mail (if available): <i>tjsees@gmail.com</i>
2. Alleged Violators (First and Last Name of each alleged violator) <i>Robert Stevens →</i> <i>Brittany Stevens →</i>	List the position or title of each alleged violator <i>Commissioner of Rutherford County District 12</i> <i>Court Clerk for Town of Smyrna</i>
Mailing address of each alleged violator: <i>511 ENON SPRINGS RD E.</i> <i>Smyrna, TN 37167 (both)</i>	

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SUPPORTING DOCUMENTATION

1. List all documents and other materials in your possession that are relevant to this complaint. These documents should be attached to this complaint.

- Brittany Stevens' Financial Disclosure Statement
- Brittany Stevens' Professional website which does not list her as a clerk
- Brittany Stevens' LinkedIn listing her concurrent positions.

2. List all documents and other materials relevant to this complaint that are available to you, but are not currently in your possession. State the last known location of the document or material.

3. List all documents and other materials that are relevant to this complaint but are not available to you. State the last known location of the document or material.

Proof of clients represented by Mrs Stevens that also are within the jurisdiction of her Clerkship. This information is not readily available to the public, and proof of compensation for consulting services obtained by Robert or Brittany Stevens.

AFFIDAVIT

By my signature below, I attest to the following:

- I understand that, pursuant to T.C.A. §3-6-208, submitting a complaint containing false information, or submitting a complaint in reckless disregard of the truth or falsity of the information contained therein, constitutes a Class 2 offense which may subject me to civil penalties in an amount up to ten thousand dollars (\$10,000) and may additionally subject me to liability for the reasonable costs and attorney fees of the falsely accused;
- The information contained in this complaint, and any supporting documentation or materials referenced herein or submitted herewith, is true and correct to the best of my knowledge, information and belief.

[Signature]
Signature of Complainant

8/13/19
Date

Sworn to and subscribed before me this 13th day of August in Davidson County, Tennessee:

[Signature]
Signature of Notary
exp 9.22.19

Affix Notary Seal here



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Robert S. Stevens Attorney at Law

511 Enon Springs Road East
Smyrna, TN 37167

Office: (615) 459-6135
robert@stevens2law.com

August 21, 2019

Mr. Tony Sees
415 Elgin Street
Nashville, TN 37211

Re: Sworn Complaint; Tennessee Ethics Commission Case No. C2019-005

Mr. Sees:

It has come to my attention that you filed a sworn complaint with the Tennessee Ethics Commission last week accusing my sister and me of several "violations." The information contained in your complaint is blatantly false, malicious and defamatory, and we will not tolerate it. My sister has not worked with me or received income from my law business since early 2016 when she became the clerk of Smyrna's municipal court. In fact, she has not represented any clients since that time. Additionally, your assertion that either of us is engaged in "consulting services" as defined in Tennessee Code Annotated § 2-10-122 is completely inaccurate.

Based on analysis of the document and other information I have received, we have reason to believe that the author of the handwritten allegations was not actually you, but was in fact a person or persons other than yourself.

Now that you have accurate information, we will give you five days to do the following: 1) Withdraw your false complaint from consideration at the Tennessee Ethics Commission, in writing, and confirm to the Commission that you had no basis for making such a claim; 2) Disclose the identity of the person or persons who gave you this sworn complaint to file; 3) Disclose the identity of the person or persons who hand wrote the information contained within the complaint; and 4) Disclose the identity of each and every person with whom you have had contact about your complaint.

Failure to timely comply with this demand will result in legal action for defamation. We will eagerly await your response. My office phone number is (615) 459-6135.

Sincerely,



Robert S. Stevens

cc: Tennessee Ethics Commission



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