

II. THIS COMMISSION LACKS SUBJECT-MATTER JURISDICTION ANY OVER INTENTIONAL TORTS.

The Tennessee Claims Commission has subject-matter jurisdiction to adjudicate only those claims enumerated within the Claims Commission statute. Tenn. Code Ann. § 9-8-307. The Claims Commission statute does not vest this Commission with subject-matter jurisdiction over intentional torts. *See Shell v. State*, 893 S.W.2d 416, 421 (Tenn. 1995)(holding that the Commission “does not have jurisdiction over any intentional torts.”). The statute further indicates that “The state will not be liable for willful, malicious, or criminal acts by state employees” Tenn. Code Ann. § 9-8-307(d).

This Commission does not have subject-matter jurisdiction over any intentional torts, such as claims for tortious interference with business relationships³, “prima facie tort,”⁴ civil conspiracy, intentional infliction of emotional distress, malicious prosecution, or false imprisonment.⁵ (Complaint, pp. 25-35.) Further, there is no enumerated cause of action for the negligent hiring of a state employee.⁶ Tenn. Code Ann. § 9-8-307.

Detective Thorogood is the only individual explicitly mentioned in Claimant’s count for civil conspiracy. (Complaint, ¶¶ 181-83.) Claimant now asserts that General Jackson⁷, among others, is a co-conspirator in Claimant’s claim for civil conspiracy. (Claimant’s Response, p. 3.) As Claimant indicates, “Each conspirator must have the *intent* to accomplish this common purpose,

³ This is an intentional tort, as Claimant describes Thorogood as manifesting an “intent to cause the breach” and that he “invoked improper motive.” (Complaint, ¶¶ 155-56.)

⁴ Claimant describes this cause of action as the intentional infliction of pecuniary harm upon him. (Complaint, ¶ 176.)

⁵ Insofar as Claimant attempts to allege that any state employee’s act or omission gave rise to his claims of negligence and gross negligence, Claimant admits that the duties involved are owed to the public-at-large. (Complaint, ¶¶ 185 & 189.) Such claims are barred under the public duty doctrine. *See Karnes v. Madison County*, No. W2009-02476-COA-R3-CV, 2010 WL 3716458, *2-3 (Tenn. Ct. App. Sept. 23, 2010)(citing *Matthews v. Pickett County*, 996 S.W.2d 162, 164 (Tenn.v1999); *Ezell v. Cockrell*, 902 S.W.2d 394, 397 (Tenn.v1995); & *Brown v. Hamilton County*, 126 S.W.3d 43, 48 (Tenn.Ct.App.v2003)).

⁶ Similarly, neither does there exist a cause of action for negligent supervision or negligent retention. *See Byrd v. State*, 150 S.W.3d 414, 419-20 (Tenn. Ct. App. 2004). Further, this cause of action is solely alleged against the hiring, supervision, and retention of Detective Thorogood, a non-state employee. (Cf. Complaint, ¶¶ 103-09.)

⁷ Claimant repeatedly referred to General Jackson as “Mr. Chadwick.” (Complaint, ¶ 63-66.)

and each must know of the other's *intent*." (*Id.* at p.2)(emphasis added.) Because this cause of action is an intentional tort, it too must be dismissed.

Such claims fall outside the subject-matter jurisdiction of this Commission and must be dismissed.

III. ANY CLAIMS AGAINST GENERAL JACKSON MUST BE DISMISSED.

Insofar as any of Claimant's asserted causes of action are made against Assistant District Attorney General Chadwick Jackson, such claims must be dismissed. The State does not dispute that General Jackson is a state employee. However, the alleged actions⁸ Claimant describes (Complaint, ¶¶ 62, 63, 66, & 138-40) are not negligent acts or omissions that would provide this Commission with subject-matter jurisdiction. Tenn. Code Ann. § 9-8-307. Further, Claimant fails to identify any statement by General Jackson that could be considered for a claim of defamation of "false light invasion of property" [sic].⁹

CONCLUSION

For the reasons stated above, the State of Tennessee respectfully requests the Commission dismiss this claim.

Respectfully submitted,

HERBERT H. SLATERY III
ATTORNEY GENERAL AND REPORTER

By: /s/ Andrew Womack
Andrew Womack, BPR#: 035393
Assistant Attorney General
Office of the Attorney General

⁸ The actions Claimant describes occurred within the courtroom as part of General Jackson's role as prosecutor. General Jackson is entitled to prosecutorial immunity for actions taken within his role as an assistant district attorney general. *Morton v. State*, No. M2008-02305-COA-R3-CV, 2009 WL 3295202, 3* (Tenn. Ct. App., October 13, 2009) (citing *Imbler v. Pachtman*, 424 U.S. 409, 430 (1976) & *Shell v. State*, 893 S.W.2d 416, 421 (Tenn.1995)). The State is entitled to utilize this defense. Tenn. Code Ann. § 9-8-307(d).

⁹ A claimant must identify the specific communication which he claims is defamatory. *Sullivan v. Baptist Memorial Hosp.*, 995 S.W.2d 569, 575 (Tenn. 1999); *McGuffey v. Belmont Weekday School*, M2019-1413-COA-R3-CV, 2020 WL 2754896, *15 (Tenn. Ct. App. May 27, 2020).

P.O. Box 20207
Nashville, TN 37202-0207
(615) 253-5662

CERTIFICATE OF SERVICE

I hereby certify that, on February 1, 2022, a true and correct copy of the foregoing was served U.S. Mail, postage prepaid, upon the following:

Commissioner James A. Haltom
P.O. Box 190673
Nashville, TN 37219

Joe Calvert, BPR # 024259
Attorney for Claimant
Calvert & Associates
1137 Greenlea Blvd., B29
Gallatin, Tennessee 37066

s/Andrew Womack
Andrew Womack

FILED

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FEB 25 2022

Tennessee Claims Commission
Clerk's Office

JAMES P. KENTON,)
) Claim No. 0546-GL-21-0300338-001
Claimant,)
)
vs.)
)
STATE OF TENNESSEE,)
) Regular Claims Docket
Defendant.)

ORDER SETTING TELEPHONE ORAL ARGUMENT HEARING

This matter is hereby set for a telephone oral argument hearing on the Motion to Dismiss, on March 29, 2022, at 1:00 p.m., central time, using the telephone bridge line. **The parties shall dial the telephone bridge line, 615/253-3768, following the directions located on the memorandum accompanying this order.**

It is so **ORDERED**.

/s/ James A. Haltom
JAMES A. HALTOM
Commissioner (Judge)
Claims Commission, Middle Division
Sitting as Trial Court of Record


CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

Andrew Womack
Attorney General's Office
Civil Law Division
P.O. Box 20207
Nashville, TN 37202-0207

Joe Calvert
Attorney for Claimant
1137 Greenlea Blvd., #B29
Gallatin, TN 37066

This 22nd day of February, 2022.



Tennessee Claims Commission
Middle Division

STATE OF TENNESSEE



JAMES A. HALTOM
COMMISSIONER
MIDDLE DIVISION

P.O. BOX 190673
NASHVILLE, TN 37219
(615) 253-1626 (office)
(615) 532-3392 (fax)

TENNESSEE CLAIMS COMMISSION

MEMORANDUM

To: All Parties Involved
From: Candace Parker, Judicial Assistant
Re: Bridge Line Instructions

-
1. Approximately three (3) minutes before the scheduled hearing time, dial (615) 253-3768.
 2. Once you dial the phone number, it should ring, indicating that no one else has dialed in yet, so continue to let it ring.
 3. When another participant dials in, the continuous ring tone will cease.
 4. As others dial in, all parties will hear a brief ring prior to connection.
 5. When the Commissioner joins the line, he will introduce himself and verify all parties are on the line before beginning the phone hearing.

JAMES A. HALTOM
COMMISSIONER

RECEIVED
MARCH 11, 2022 09:51

FILED
MARCH 11, 2022 11:10

**IN THE TENNESSEE CLAIMS COMMISSION
MIDDLE DIVISION**

JAMES KENTON,)	
)	
Claimant,)	
)	Claim No.
)	0546-GL-21-0300338-001
vs.)	
)	Regular Docket
STATE OF TENNESSEE)	
)	
Defendant.)	

**STATE OF TENNESSEE’S MOTION TO CONTINUE THE HEARING
ON THE STATE OF TENNESSEE’S MOTION TO DISMISS**

The State of Tennessee respectfully moves to continue the hearing on its motion to dismiss, set by this Commission for 1:00 p.m. on March 29th, 2022. The undersigned Assistant Attorney General will be leaving the Attorney General’s Office effective March 25th, 2022. Additional time is needed for the State to reassign handling of this claim and for the State’s attorney to become familiar with this matter. This motion is not made in bad faith, nor is it made for the purpose of unduly delaying resolution of this claim.

Respectfully submitted,

HERBERT H. SLATERY III
ATTORNEY GENERAL AND REPORTER

By: /s/ Andrew Womack
M. Andrew Womack, BPR#: 35393
Assistant Attorney General
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202-0207
(615) 253-5662

CERTIFICATE OF SERVICE

I hereby certify that, on March 11, 2022, a true and correct copy of the foregoing was served U.S. Mail, postage prepaid, upon the following:

Commissioner James A. Haltom
P.O. Box 190673
Nashville, TN 37219

Joe Calvert, BPR # 024259
Attorney for Claimant
Calvert & Associates
1137 Greenlea Blvd., B29
Gallatin, Tennessee 37066

s/Andrew Womack
Andrew Womack

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

JAMES P. KENTON,)
)
 Claimant,) Claim No. 0546-GL-21-0300338-001
)
 vs.)
)
 STATE OF TENNESSEE,)
)
 Defendant.) Regular Claims Docket

FILED

MAR 16 2022

**Tennessee Claims Commission
Clerk's Office**

ORDER OF CONTINUANCE

Pending before the Commission is the State of Tennessee's ("State") request to continue the hearing on the Motion to Dismiss, as the Assistant Attorney General assigned to this claim will be leaving the Attorney General's Office on March 25, 2022, and additional time is needed for the State to reassign this matter. Therefore, for good cause shown, the oral argument scheduled for March 29, 2022, is hereby continued. The State shall have thirty (30) days from the filing of this Order in which to file an appearance of counsel. Once an appearance of counsel is filed, the parties shall coordinate with the Tribunal for a new date for a hearing on the Motion to Dismiss. It is so **ORDERED**.

/s/ James A. Haltom

JAMES A. HALTOM
Commissioner (Judge)
Claims Commission, Middle Division
Sitting as Trial Court of Record

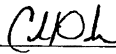
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

Andrew Womack
Attorney General's Office
Civil Law Division
P.O. Box 20207
Nashville, TN 37202-0207

Joe Calvert
Attorney for Claimant
1137 Greenlea Blvd., #B29
Gallatin, TN 37066

This 15th day of March, 2022.



Tennessee Claims Commission
Middle Division

RECEIVED
APRIL 18, 2022 12:52

FILED
APRIL 18, 2022 13:00

**IN THE CLAIMS COMMISSION FOR THE STATE OF TENNESSEE
MIDDLE DIVISION**

JAMES P. KENTON)
)
)
 Claimant,)
)
)
 v.) **No. 0546-GL-21-0300338-001**
)
)
 STATE OF TENNESSEE)
)
)
 Defendant.)
)

NOTICE OF APPEARANCE

The undersigned counsel hereby gives Notice of Appearance in this matter on behalf of the Attorney General and Reporter for the State of Tennessee.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

/s Hollie R. Parrish
HOLLIE R. PARRISH, BPR 037888
Assistant Attorney General
Civil Law Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 741-8086
Hollie.Parrish@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that on this the 18th day of April 2022, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to the following:

COMMISSIONER JAMES HALTOM
Tennessee Claims Commission
P.O. Box 190673
Nashville, TN 37219

JOE CALVERT
1137 Greenlea Blvd., #B29
Gallatin, TN 37066
Attorney for Claimant

/S/ Hollie R. Parrish
Hollie R. Parrish
Assistant Attorney General

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

JAMES P. KENTON,

Claimant,

vs.

STATE OF TENNESSEE,

Defendant.

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Claim No. 0546-GL-21-0300338-001

FILED

MAY 04 2022

Regular Claims Docket

Tennessee Claims Commission

Clerk's Office

ORDER SETTING TELEPHONE ORAL ARGUMENT HEARING

This matter is hereby set for a telephone oral argument hearing on the Motion to Dismiss, on May 31, 2022, at 1:00 p.m., central time, using the telephone bridge line. **The parties shall dial the telephone bridge line, 615/253-3768, following the directions located on the memorandum accompanying this order.**

It is so **ORDERED**.

/s/ James A. Haltom

JAMES A. HALTOM

Commissioner (Judge)

Claims Commission, Middle Division

Sitting as Trial Court of Record

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

Hollie R. Parrish
Attorney General's Office
P.O. Box 20207
Nashville, TN 37202

Joe Calvert
Attorney for Claimant
1137 Greenlea Blvd., #B29
Gallatin, TN 37066

This 3rd day of May, 2022.

Cuph
Tennessee Claims Commission
Middle Division

STATE OF TENNESSEE



JAMES A. HALTOM
COMMISSIONER
MIDDLE DIVISION

P.O. BOX 190673
NASHVILLE, TN 37219
(615) 253-1626 (office)
(615) 532-3392 (fax)

TENNESSEE CLAIMS COMMISSION

MEMORANDUM

To: All Parties Involved
From: Candace Parker, Judicial Assistant
Re: Bridge Line Instructions

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 5. When the Commissioner joins the line, he will introduce himself and verify all parties are on the line before beginning the phone hearing.

JAMES A. HALTOM
COMMISSIONER

FILED

JUN 01 2022

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

Tennessee Claims Commission
Clerk's Office

JAMES P. KENTON,)	
)	Claim No. 0546-GL-21-0300338-001
Claimant,)	
)	
vs.)	
)	
STATE OF TENNESSEE,)	
)	Regular Claims Docket
Defendant.)	

**ORDER DENYING THE STATE’S MOTION TO DISMISS WITHOUT
PREJUDICE AND GRANTING MOTION TO AMEND**

The matter pending before the Middle Division of the Tennessee Claims Commission is a Motion to Dismiss filed by the State of Tennessee (the “State”) on January 10, 2022. Claimant James Kenton filed a Response in Opposition on January 26, 2022, and the State filed a Reply on February 1, 2022. Oral argument was set for March 29, 2022, and was thereafter continued until May 31, 2022. During the hearing on May 31, 2022, Claimant indicated an intent to nonsuit certain claims and the parties acknowledged it would be more judicially efficient for Claimant to amend the Complaint to specify the causes of action alleged under Tenn. Code Ann. § 9-8-307.

Accordingly, the State’s Motion to Dismiss is DENIED without prejudice. Claimant shall have thirty (30) days to file an Amended Complaint, which shall specify the causes of action alleged under Tenn. Code Ann. § 9-8-307.

It is so **ORDERED**.

/s/ James A. Haltom
JAMES A. HALTOM
Commissioner (Judge)
Claims Commission, Middle Division
Sitting as Trial Court of Record

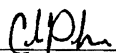
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

Hollie R. Parrish
Attorney General's Office
P.O. Box 20207
Nashville, TN 37202

Joe Calvert
Attorney for Claimant
1137 Greenlea Blvd., #B29
Gallatin, TN 37066

This 31st day of May, 2022.



Tennessee Claims Commission
Middle Division

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED

JUL 01 2022

Tennessee Claims Commission
Clerk's Office

JAMES KENTON

Claimant,

Claim No. 0546-GL-21-0300338-01

-- against --

STATE OF TENNESSEE

Defendant.

Regular Docket

AMENDED COMPLAINT

COMES NOW the Claimant, JAMES KENTON, by and through counsel, and for his Amended Complaint seeking money damages and general relief presented to this Honorable Commission states as follows:

I. THE PARTIES

1. That the Claimant is not a resident of the State of Tennessee.
2. That the Defendant is the State of Tennessee.

II. JURISDICTION AND VENUE

1. That this Commission has jurisdiction over this action pursuant to Tenn. Code Ann. § 9-8-307.

2. That there is no waiver of jurisdiction in the United States District Court, Middle District of Tennessee for any claims arising pursuant to 42 U.S.C. § 1983 that may be known or unknown to the Claimant.

III. FACTS

3. That Claimant is an individual and no form of business entity.
4. That Claimant was arrested on August 21, 2020 for Home Improvement Fraud >\$1000 <\$2500 pursuant to Tennessee Code § 39-14-154.
5. That the charges were dismissed not quite one year later on August 12, 2021.
6. That the charges were based upon a defective arrest warrant allegedly issued by William Decker Thorogood. **Exhibit A.**
7. That Mr. Kenton was arrested without a signed or “sworn and subscribed” arrest warrant. **Exhibit A.**
8. That the Mount Juliet Police arrested Mr. Kenton at his home without a properly executed warrant. **Exhibit B.**
9. That The Mount Juliet reporting officer, Charles Boston, designated he picked up James Preston Kenton who is not James Patrick Kenton. **Exhibit B.**

10. That Mr. Kenton was imprisoned at the Wilson County jail for approximately two hours.
11. That Mr. Kenton was transported and imprisoned for approximately ten hours at the Davidson County jail.
12. That Mr. Kenton posted bail on or about August 21, 2020 and after the dismissal of the charges in August 2021 Mr. Kenton could not have the \$500 surcharge on a \$5000.00 bond returned to him by the bail bondsman.
13. 9. That the arrest warrant contained nine incidents of perjury by Detective William Decker Thorogood who designated himself as "Prosecutor". **Exhibit A.**
14. That there is no prosecutorial immunity in the State of Tennessee.
15. That upon information and belief there was multiple failures to comply with Tennessee Rules of Criminal Procedure Rule 4 (ARREST WARRANT OR SUMMONS ON A COMPLAINT).
16. That on July 14, 2029 weeks prior to the issuance of the alleged arrest warrant or the unexecuted arrest warrant Mr. Thorogood had received written notice from Calvert & Calvert with six attachments placing Mr. Thorogood and effectively the District Attorney's office on notice that the complainant Mr. Roger Stephens had an agreement with a corporate entity. **Exhibit L.**

17. That there was a corporation named Tennessee Metal Roofing Inc. to which Claimant was an independent contractor.
18. That a roofer is defined as a person who builds or repairs roofs.¹
19. That Claimant is not a roofer.
20. That Claimant was not the incorporator and at all times that information was available to District Attorney General Chadwick Jackson who failed to verify Mr. Kenton's absence of any status as an incorporator that is a matter of public record.. **Exhibit C.**
21. That Claimant was not a shareholder, officer, or director of Tennessee Metal Roofing Inc.
22. That Claimant as a matter of law did not have any personal liability for a third-party corporation.
23. That Claimant could not be an "owner" of a corporation as a matter of law and Chadwick Jackson as a licensed attorney would know there are no "owners" of a corporation.
24. That "Law professor Lynn Stout, now of Cornell University, says a corporation is considered by the law to be a person with rights -- and you can't own a person. UCLA

¹ *Webster's New World College Dictionary, 4th Edition. Copyright © 2010 by Houghton Mifflin Harcourt*

law professor Stephen Bainbridge, meanwhile, says a corporation is merely a set of contracts among shareholders, directors, employees and others. "There simply is nothing there that can be owned," he writes. Bainbridge also points out that if shareholders were truly "owners" of the corporation, they could freely use the corporation's assets. Try buying a share of United Airlines stock and then asking to use a plane." *Citation omitted.*

25. That on or about July 9, 2020 the law firm of Calvert & Calvert had sent a demand notice for payment to Roger Stephens on behalf of the corporate entity. **Exhibit D.**

26. That upon information and belief Roger Stephens falsely filed a criminal complaint to avoid civil liability.

27. That Claimant can only speculate as to whether Mr. Stephens provided Mr. Thorogood or the District Attorney consideration for the false arrest of Mr. Kenton.

28. That Mr. Thorogood ignored the notice and documentation of July 14, 2020 provided by Calvert & Calvert and both contradicted and falsified the factual allegations in the arrest warrant affidavit.

29. That according to the unexecuted arrest Affidavit, and the subsequently executed arrest warrant, the alleged charges were based upon an "estimate" provided by a "Tennessee Metal Roofing Company".

30. That there is no "Tennessee Metal Roofing Company". **Exhibit E.**

31. That the affiant Mr. Thorogood wrote that the complainant Roger Stephens executed a contract for a metal roof with Tennessee Metal Roofing Company.
32. That there is no "Tennessee Metal Roofing Company" with which Mr. Stephens could enter a contract. **Exhibit E.**
33. That affiant Thorogood falsely claimed there was a down payment for \$1,190.00
34. That no down payment of \$1,190.00 was made for a roof to the Claimant ("Mr. Kenton") or any business organization
35. That there is no Tennessee Metal Roofing Company to which Mr. Stephens could make a down payment.
36. That the alleged victim has never met Mr. Kenton.
37. That the alleged victim had never spoken with Mr. Kenton.
38. That Mr. Kenton is not the signatory on any contract with Mr. Stephens.
39. That the police report of Mr. Stephens did not designate Mr. Kenton as a suspect. **Exhibit F.**

40. That affiant Thorogood claimed that Mr. Stephens was visited by some fantasy “unknown representative” of some non-existent organization. **Exhibit A.**
41. That affiant Thorogood falsely stated that Mr. Stephens mailed “via certified mail” sent a letter to the alleged “company” on May 2, 2020.
42. That no letter was sent to anyone or anything of and concerning Mr. Kenton on May 2, 2020.
43. That affiant Thorogood, by telephone, stated that he asked Mr. Kenton if he deposited the victim’s non-existent check for \$1,190.00 which he knew was false because no such check exists.
44. That affiant falsely quoted Mr. Kenton saying “you’re damn right I did and he is not getting his money back.” **Exhibit A.**
45. That affiant Thorogood stated “a judicial subpoena was executed on a business account belonging to “Tennessee Metal Roofing Company” which in accordance with exhibits herein it would not be possible for the non-existent company to have any form of bank account. **Exhibit G.**

46. That upon information and belief there was no judicial subpoena issued to a non-existent company.
47. That in the alternative, if there is a mysterious judicial subpoena obtained by fraudulent statements made by Mr. Thorogood.
48. That assuming *arguendo* there was some judicial subpoena, there were no notices as required by law pursuant to Tennessee Code Titles 45-10-106, 45-10-107, and 45-10-11.
49. That affiant Thorogood claimed the nonexistent account “was opened by James Kenton” which as a matter of law is impossible and would be known by District Attorney Jackson or one or more of his predecessors on the case brought by Thorogood.
50. That affiant claimed the “The records showed that Mr. Kenton deposited the check” that is not possible based upon the Exhibits attached hereto including the absence of the existence of Tennessee Metal Roofing Company.
51. That pursuant to freedom of information and records requests to the Nashville Metropolitan Police Department, Mr. Thorogood has a history with issues of self-control and that Mr. Thorogood has been disciplined for his inability to control the words he speaks.

52. That Mr. Thorogood has an arrest record based upon the absence of self-control, presumably from substance abuse.
53. That Mr. Thorogood lied to a judge to prove there was probable cause for the arresting Mr. Kenton and those lies were subsequently supported by Chadwick Jackson who knew or should have known the falsity of the statements.
54. That the arresting officers acted purposefully with the intent to confine the Claimant without consent or authority.
55. That the threat or actions of the police actual created confinement
56. That the Claimant was fully aware of that he was being detained.
57. That a subpoena was issued to Roger Stephens after Mr. Kenton's counsel made an oral request form the Court for permission to issue subpoenas.
58. That subpoena requests were granted orally by the General Sessions Court Judge Dianne Turner when requested by Mr. Kenton's attorney.
59. That on October 26, 2020 a subpoena was issued to Roger Stephens by the General Sessions Court in Davidson County regarding documents or non-existent documents of and concerning the charge against Mr. Kenton. **Exhibit H.**
60. That Mr. Stephens did not comply with the subpoena.

61. That Mr. Kenton submitted a Motion for Contempt against and to compel Mr. Stephens to comply with the subpoena. **Exhibit I.**
62. That Assistant District Attorney General, Chadwick Jackson, without standing to represent a private party (Mr. Stephens) interposed his authority as a State Attorney to provide free legal services to Mr. Stephens to quash the subpoena and ultimately admitted in open court his absence of standing to represent a private party causing Claimant to expend time and money to defend the District Attorney's frivolous proceedings.
63. That upon information and belief not having any documents in support of the allegations in the arrest warrant, the State of Tennessee, Mr. Chadwick, Mr. Stephens, and Detective Thorogood would have been subject to civil and criminal actions against each one of them as individuals and collectively as co-conspirators.
64. That a lengthy opposition and memorandum of law against a motion to quash was submitted to the Court on a variety of issues with an emphasis on Mr. Chadwick's lack of standing to represent Mr. Stephens. **Exhibit J.** (*Attachments to Exhibit omitted as herein elsewhere*).
65. That Mr. Chadwick failed to do the research on the issue of standing that is in a plethora of United States Supreme Court cases costing Claimant a significant amount of money in

legal fees for his counsel to write a memorandum of law that should have been unnecessary.

66. That Judge Turner allowed Mr. Chadwick to proceed effectively overruling a plethora of United States Supreme Court rulings disallowing State or Federal attorneys to represent private individuals in a contempt motion and in some decisions ruling that subpoenas are not a form of discovery. **Exhibit J.**

67. That Judge Turner quashed the Motion for Contempt and an appeal was taken.

68. That after the appeal Petition for reversal and an interlocutory appeal was submitted to multiple Courts, Judge Turner refused to rule on any aspect of the appeal and Chadwick Jackson failed to dismiss the charges.

69. That upon information and belief concurrent with, and prior to the aforementioned Motion, Mr. Thorogood recruited or conspired with local news providers WSMV (local Channel 4) and WTVF (local Channel 5) that are commercial broadcast enterprises to hide his crimes and literally create fake news regarding Mr. Kenton.

70. That at a hearing on October 9, 2020, in Davidson County, Tennessee General Sessions Court Criminal Division, WSMV's employee Caresse Jackman brought herself and a camera crew to cover the false claims against Mr. Kenton for \$1190.00 that has since been dismissed.

71. That on October 9, 2020, WSMV published in tangible fixed mediums of expression including broadcasting and print two different stories about Mr. Kenton.
72. That Ms. Jackman's and Mr. Thorogood's actions completely interrupted by the obviously staged drama concocted by Ms. Jackman and Detective Thorogood so that neither the Court nor the Assistant District Attorney would have an intelligible conversation with Mr. Kenton's counsel.
73. That no pre-trial or any other issue was discussed with the unidentified Assistant District Attorney who failed to comply with the rules of court.
74. That Mr. Kenton was denied his right to refuse a pre-trial hearing and to bind the case over to the Grand Jury.
75. That during the drama for the cameras of Mr. Kenton, Detective Thorogood arrested seventy-year-old Mike Haskin with an unsigned warrant that merely deleted a paragraph or sentences from the warrant used to arrest Mr. Kenton months earlier. **Exhibit K.**
76. That Mr. Haskin was falsely accused of being the Mr. Kenton's "partner" when there was no partnership or business to which he could be a partner.

77. That Mr. Haskins was an independent contractor to a corporation whereas he provided the services of a salesperson.
78. That Mr. Haskin died before a preliminary hearing could be held that would have dismissed all the charges against him that were verbatim stated as the charges that were dismissed against the Mr. Kenton.
79. That as previously noted herein; the unsigned warrant against Mr. Haskins presented for dramatic effect, was exactly the same warrant (including alleged date of issue) used to falsely arrest Mr. Kenton with a final paragraph or sentences removed. **Exhibits K, A.**
80. That upon information Mr. Haskin's health dramatically deteriorated after his arrest and the publication of his false arrest by WSMV.
81. That upon information and belief, Mr. Haskins death was at least in part a result of his false arrest that was reported by Defendant being evidenced by his dramatic personality change that began immediately after the aforementioned arrest and publication.
82. That Mr. Kenton does not have standing to bring a wrongful death claim against The State of Tennessee and Claimant has no knowledge about any current or future legal actions by the family of Mr. Haskins.

83. That upon speaking with Ms. Jackman from WSMV during an interview at the Courthouse on October 9, 2020, Mr. Kenton's counsel advised her that she was reporting the wrong story and Ms. Jackman vehemently refused to do any research or due diligence to substantiate her publications obscuring the public from the appearance or actuality of a self-serving conspiracy against and attack upon the innocent James Kenton.
84. That counsel informed Ms. Jackman that the real story was about Detective Thorogood's false arrest and possible local police corruption to which she responded to wit: "you threatened to sue me" deflecting from the real issues to come before the Court.
85. That upon information and belief WSMV's employee Ms. Jackman sought to maliciously punish the Mr. Kenton to deter civil or criminal liability against her and Mr. Thorogood while simultaneously bolstering her career.
86. That in one of two stories published on October 9, 2020, Ms. Jackman falsely stated "We first told you about James Kenton, he's the owner of Tennessee Metal Roofing."
87. That Ms. Jackman had full knowledge that Mr. Kenton was not the owner of any business entity named "Tennessee Metal Roofing" or "Tennessee Metal Roofing Company."
88. There is no such business named "Tennessee Metal Roofing Company" listed in the Tennessee Secretary of State database. **Exhibit E.**

89. That upon information and belief that Ms. Jackman neither had sufficient education, supervision by her employer, or legal background to be reporting on a story she did not or could not comprehend and that the District Attorney did not provide her with correct information allowing the character of Claimant to be maligned.

90. That on October 9, 2020 (and to date) Ms. Jackman published and publishes the falsity of ownership adding the fiction that Mr. Kenton personally had customers as follows:
“You may remember James Kenton, News 4 broke the story about his arrest and his former customers, several of them, one by one, telling us about what they say was shotty work and poor communication from Kenton and his company, Tennessee Metal Roofing.”

91. That Mr. Kenton personally has no customers.

92. That Ms. Jackman again falsely published that Mr. Kenton was “the owner of Tennessee Metal Roofing” that is *de facto* false.

93. That Detective Thorogood improperly served a Seizure Warrant upon Mr. Kenton on behalf of a third-party (a Limited Liability Company) in front of the WSMV cameras as part of the October 9, 2020 drama.

94. That Ms. Jackman proceeded to report: "A shiny boat and a piece of land, all once belonged to James Kenton, the owner of Tennessee Metal Roofing, but not anymore based on what happened in court this morning."
95. That there was no identified "shiny boat" that could have been a used Old Town brand canoe owned by Mr. Kenton. assuming *arguendo* that a shiny boat existed or had any relationship to the charges against Mr. Kenton.
96. That there was no seizure of any "shiny boat" bearing any relationship to Mr. Kenton.
97. That assuming *arguendo* Mr. Kenton. owned some random unidentified shiny boat that was never seized, it would be of no more public concern than the color of Mr. Kenton's undergarments other than to create the false implication or innuendo that Mr. Kenton had some form of wealth resulting from some unlawful or illegal source.
98. That there was no unidentified "piece of land" owned by Mr. Kenton.
99. That assuming *arguendo* Mr. Kenton owned some random unidentified piece of land that could have been ten square feet of swamp land, it would be of no more public concern than Mr. Kenton's food of choice for breakfast other than to create the false implication or innuendo that Mr. Kenton had some form of wealth resulting from some unlawful or illegal source.

100. That the implication or innuendo by Ms. Jackman was that the “shiny boat” and “piece of land “ were ill gotten gains published upon information and belief to sensationalize a false narrative and obscure the actions of her co-conspirator Mr. Thorogood.
101. That the service of a Seizure Warrant by Mr. Thorogood on behalf of a limited liability company upon Mr. Kenton. was improper and such seizure would have required the assistance of legal counsel from the District Attorney's office.
102. That the Honorable Brody Kane of the Wilson County Circuit Court, State of Tennessee vacated the seizure and returned the real property to its owner that is a limited liability company reversing the unwarranted actions of the District Attorney.
103. That Mr. Kenton was not a party to the seizure warrant or the owner of some random piece of land unidentified by Ms. Jackman and Mr. Thorogood effectively being of no concern to the public-at-large.
104. That upon information and belief that Mr. Thorogood neither had sufficient education, supervision by his employer, or legal background to be engaging in seizure action.
105. That upon information belief based upon Mr. Thorogood’s work history, he was not qualified to be a Police Officer.

106. That Ms. Jackman proceeded in her interview with Mr. Kenton's attorney accusing Mr. Kenton of establishing a "shell" company as if that were an unlawful action.
107. That the innuendo published by Ms. Jackman aided Mr. Thorogood was that Mr. Kenton 's attorney created a shell company that was engaging in illegal activities.
108. That upon information and belief the "shell company" narrative was another fallacy invented by Ms. Jackman, Mr. Thorogood, and Chadwick Jackson to sensationalize and create a false narrative about Mr. Kenton.
109. That on camera, and published in the same manner as previously designated in the above paragraphs, Mr. Kenton's counsel specifically asked Ms. Jackman: "what is a shell company"?
110. That Ms. Jackman did not answer the question.
111. That upon information and belief Ms. Jackman was without any knowledge as to what constitutes a shell company, yet in her post-interview editing and insertion into her broadcast without Mr. Kenton's attorney present, she published the inaccurate statement: "A shell company is an inactive company used for various financial maneuvers, it also can be kept dormant for future use."

112. That upon information and belief the statement in the previous paragraph herein was edited or appended into the publication as if she had timely answered counsel's question, effectively deceiving the public as to her scope of knowledge about business entities.

113. That upon information and belief Ms. Jackman was acting in tandem with, or on instruction by, Mr. Thorogood, the District Attorney and other presently unknown persons with the intent to damage the Mr. Kenton by raising the negative and incorrect public perception that a shell company was *de facto* illegal effectively by innuendo or implication and further damaging Mr. Kenton's reputation.

114. That upon information and belief the statements regarding a fictitious shell company were in retaliation for placing Ms. Jackman on notice of a potential lawsuit against her or her employer and to assist Detective Thorogood in trying to shield or deflect from a plethora of illegal activities against Mr. Kenton who is the true victim.

115. That a shell corporation, company, or other form of entity may serve as a vehicle for business transactions without having any significant assets or operations. Shell corporations are not illegal and they have legitimate business purposes including substantial taxation benefits. They are also known as international business corporations (IBCs), personal investment companies (PICs), front companies, or mailbox companies.

116. That upon information and belief that Mr. Thorogood neither had sufficient education, supervision by his employer, or legal background to be knowledgeable of business entities.
117. That Mr. Kenton could not continue to provide services as an independent contractor to Tennessee Metal Roofing Inc. or any other company in Tennessee resulting from the targeted attack upon him.
118. That Tennessee Metal Roofing Inc. went out of business after giving refunds to client's wanting to be released from their contracts resulting from the false statements by the local media including WSMV and WTVF promulgated by Mr. Thorogood.
119. That prior to the actions of the local media, Tennessee Metal Roofing Inc. had an A+/- rating with the Better Business Bureau and had volumes of satisfied customers.
120. That the volumes of satisfied customers of Tennessee Metal Roofing, Inc. in Tennessee lost their roof warranties because Mr. Kenton could no longer provide them assistance to handle any potential problems with the installed roofs on their behalf absent a position with Tennessee Metal Roofing Inc. and from the corporation's demise.
121. That Mr. Kenton was harassed and threatened with bodily harm after the publication of fake news invented by WSMV and Mr. Thorogood while Chadwick Jackson continued to refuse to research and drop the false charges against him.

122. That Mr. Kenton was contacted by acquaintances, friends, and ostracized by his non-local family as if he had done something illegal when he had done nothing wrong or illegal.

123. That Mr. Kenton had to seek professional assistance and be prescribed medication by a physician to cope with the targeted attack on him by Ms. Jackman and Mr. Thorogood.

124. That Mr. Kenton ultimately had to leave the State of Tennessee after being falsely charged with criminal activity and the repeated ongoing publication of sensationalized fake news.

125. That WSMV did not send a camera crew or reporter when the criminal charge against the Mr. Kenton was dismissed.

126. That Mr. Kenton as a matter of practicality and safety had to leave the State of Tennessee.

127. That concurrently during these matters and courtroom antics commencing on October 9, 2020 Mr. Thorogood engaged in similar activities against Mr. Kenton with WTVF (local Channel 5).

128. That subsequent to Mr. Kenton's relocation to another State, both Mr. Wisniewski of WTVF and Mr. Thorogood contacted Lynn Thach in Massachusetts who was the exclusive shareholder of the no longer existent Tennessee Metal Roofing Inc. that was dissolved resulting from the actions designated herein by the State and its employees.

129. That Mr. Wisniewski told Ms. Thach that he knew things about the law and lawyer she should contact who is attorney Robin Moore in Carthage Tennessee regarding her relationship with the Mr. Kenton.

130. That upon information and belief Ms. Moore, with full knowledge that Ms. Thach was the sole shareholder of Tennessee Metal Roofing Inc., with the aid of Mr. Thorogood who was still trying to shield his own misdeeds, and with Mr. Jackson's failure to dismiss the charges against the Claimant for nearly a year attempted to convince Ms. Thach to commence a lawsuit with perjured statements by Ms. Thach to which Ms. Thach refused.

131. That Ms. Moore is currently under investigation by The Board of Professional Responsibility for conversion of thousands of dollars paid to her by Ms. Thach, whom by admission is the incorporator and sole shareholder of Tennessee Metal Roofing Inc. and was ordered to pay Ms. Thach ill-gotten legal by Ms. Moore.

132. That Mr. Wisniewski has or had a complaint lodged against him by an attorney against him for the unauthorized practice of law regarding his representation of Ms. Krause who is a reporter for WTVF that was airing information about Mr. Kenton and

upon information and belief has yet to have any charges brought against him by the State of Tennessee despite the evidence.

133. That upon information and belief Ms. Krause sought to shelter her criminal behavior and a misrepresented education at Occidental College when Mr. Kenton's attorney asked if he could interview Ms. Krause on camera in exchange for a live interview with Mr. Kenton.

134. The upon information and belief based upon public records, Ms. Krause is a convicted felon.

135. That Jennifer Krause, the on-air reporter for WTVF, made multiple broadcasts about Mr. Kenton and that upon information and belief she was being provided information by Mr. Thorogood or Mr. Jackson.

136. That upon information and belief certain disclosures were in violation of Federal Statutes.

137. That on or about October 4, 2021 Mr. Kenton through submitted through counsel expungement forms to the General Sessions Court by electronic for issuance after the case dismissal on August 21, 2021.

138. That That on or about October 4, 2021 Mr. Kenton through counsel submitted expungement forms to the District Attorneys' office by first-class mail (including a

return addressed stamped envelope) for issuance after the case dismissal on August 21, 2021.

139. That neither the General Sessions Court, nor, the District Attorneys Office granted or processed the expungement.

140. That on or about November 30, 2021 Mr. Kenton's counsel re-submitted the expungement documentation to the General Sessions Court by electronic mail because neither the Court or the District Attorney's office authorized or was capable of issuing an executed expungement order.

FIRST CAUSE OF ACTION: COUNT 1

DEFAMATION

141. Complainant repeats the allegations contained in paragraphs one (1) through one-hundred-forty (140) as though set forth verbatim herein without limitation and with full force and effect.

142. Complainant would show Defendant communicated a statement or statements or actions that referred to Complainant, to-wit: on television on October 9, 2020 and on multiple subsequent dates of publication in writing and on video or film.

143. Complainant would show Defendant's statements, actions, or inactions were made to persons other than Claimant, to-wit: on broadcast television and subsequent written publication on the news broadcaster's website.

144. Complainant would show that Defendant's statements were defamatory, whereas Claimant has not been able to maintain his livelihood, provide services to hundreds of homeowners that could potentially need roof warranty services , and forced the corporation for whom he provided independent contractor out of business services as a result of the Defendant's public statements and publications.

145. Claimant would show that Defendant's statements and actions were read in print, or heard by thousands of members of the public on broadcast television who understood its defamatory meaning and that the statements referred to Claimant and Claimant was notified of the statements by other members of the community that contacted it directly to ask him whether he was aware Defendant had published statements that Claimant was engaging in fraud and owned a non-existent business entity.

146. Claimant would show that Defendant knew its statements were false when they were made, to-wit: Defendant never removed the defamatory statements upon being informed by Claimant that Defendant knew the statements were false.

147. Claimant would further show Defendant had high degree of awareness that the published statements were false and a direct, legal and proximate cause of the intentional, fraudulent, reckless and malicious acts of the Defendant.

148. That upon information and belief, at the time of the aforesaid publications, the Defendant was actuated by actual malice in that the Defendant knew that the both libelous and slanderous statements and matters contained therein concerning the Claimant

and its business reputation so published, were false and untrue, or were published with reckless and wanton disregard of whether they were false and untrue.

149. That as a result of the publications and the acts of the Defendant in connection therewith, the Claimant has been held up to professional contempt, ridicule, disgrace, and prejudice; has suffered great mental pain and anguish; and has been irreparably injured his good name, business reputation and goodwill, has suffered direct financial damage, has developed health problems , and has lost the esteem and respect of clients, peers, acquaintances, and business associates.

150. That as a result Claimant has been harassed and threatened by bodily injury resulting from the Defendant's actions.

151. That by reason of the foregoing, Claimant has been greatly injured and damaged, and, is entitled to compensatory and punitive damages against the Defendant, in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant.

SECOND CAUSE OF ACTION; COUNT 2

FALSE LIGHT INVASION OF PROPERTY

152. Claimant repeats the allegations contained in paragraphs one (1) through one-hundred-fifty-one (151) as though set forth verbatim herein without limitation and with full force and effect.

153. Claimant claims that Defendant violated his right to privacy whereas:

154. That Defendant publicized information or material that showed Claimant in a false light;
155. That the false light created by the publication would be highly offensive to a reasonable person in Claimant's position;
156. That there is clear and convincing evidence that Defendant knew the publication would create a false impression about Claimant or acted with reckless disregard for the truth in multiple statements including but not limited to ownership of a non-existent company and the creation of an LLC as being an illegal business entity engaging in unlawful services as a shell company which is neither accurate or illegal.
157. That in the alternative Defendant was negligent in determining the truth of the information or whether a false impression would be created by its publication;
158. That Claimant sustained harm and;
159. That Defendant's conduct was a substantial factor in causing Claimant's harm and deserves compensatory and punitive damages against the Defendant, in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant.

THIRD CAUSE OF ACTION: COUNT 3

NEGLIGENCE

160. Claimant repeats the allegations contained in paragraphs one (1) through one-hundred-fifty-nine (159) as though set forth verbatim herein without limitation and with full force and effect.

161. Claimant claims that he was harmed directly by William Thorogood and Chadwick Jackson as employees of the Defendant and that Defendant is responsible for that harm because Defendant negligently hired, failed to supervise, or negligently supervised and retained incompetent employees.

162. That Defendant hired William Thorogood and Chadwick Jackson.

163. That William Thorogood and Chadwick Jackson were both unfit, incompetent or improperly educated to perform the work for which he was hired.

164. That Defendant knew or should have known that William Thorogood and Chadwick Jackson were unfit or incompetent and that this unfitness or incompetence created a particular risk to others including the public-at-large, Claimant, and the State of Tennessee itself.

165. That Defendant's employees or contractors unfitness or incompetence harmed Claimant; and;

166. That Defendant's negligence in hiring, supervising, or retaining William Thorogood and Chadwick Jackson was a substantial factor in causing Claimant's harm.

167. That Defendant's conduct was a substantial factor in causing Claimant's harm and deserves compensatory and punitive damages as to be determined by this Honorable Commission of not fewer than \$1,000,000. (one million and 00/100 dollars) or the maximum statutory award for claims against the State of Tennessee.

FOURTH CAUSE OF ACTION: COUNT 4

CIVIL CONSPIRACY

168. Claimant repeats the allegations contained in paragraphs one (1) through one hundred-sixty-seven (167) as though set forth verbatim herein without limitation and with full force and effect.

169. The Defendant and Detective William Decker Thorogood and the District Attorney entered or formed a conspiracy to perform the unlawful and wrongful acts described herein, and they took overt acts in furtherance of that conspiracy. Among other acts, the Defendants conspired to tortiously interfere with Mr. Kenton's business relationships, reputation, and interfere with Mr. Kenton's ability to make a living fulfilling his agreement with corporation Tennessee Metal Roofing Inc.

170. As a direct and proximate result of the Defendant's conduct in furtherance of the conspiracy, Mr. Kenton has suffered and will continue to suffer great harm.

171. That Claimant has sustained damage in an amount of not fewer than against the Defendant in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is

the maximum statutory award claims against the State of Tennessee by an individual claimant.

FIFTH CAUSE OF ACTION: COUNT 5

NEGLIGENCE

172. Claimant repeats the allegations contained in paragraphs one (1) through one-hundred-seventy-one (171) as though set forth verbatim herein without limitation and with full force and effect.

173. That Defendant owed a duty to Claimant and the public-at-large, to properly research, conduct due diligence, research the law of the State of Tennessee and the United States of America and verify facts before disseminating and publishing false information otherwise known as fake news.

174. That but for Defendant's negligence breaching its duty to Claimant and the public-at-large. Complainant's contract with Tennessee Metal Roofing Inc. would be continuing, Tennessee Metal Roofing Inc. would still be an existing entity, and that Claimant would continue to receive substantial income therefrom.

175. That as a result of Defendant's negligence, Claimant has been damaged in a currently unascertainable amount of not fewer than \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant.

SIXTH CAUSE OF ACTION: COUNT 6

GROSS NEGLIGENCE

176. Claimant repeats the allegations contained in paragraphs one (1) through one-hundred-seventy-five (175) as though set forth verbatim herein without limitation and with full force and effect.
177. That Defendant owed a duty to Claimant and the public-at-large, to properly research, conduct due diligence, and verify facts before disseminating and publishing false information.
178. That the Defendant acted in reckless disregard of, or with a lack of substantial concern for, the rights of others nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others in causing the loss of their warranties for newly installed roofs.
179. That the Claimant and former clients of Tennessee Metal Roofing Inc., both being victims of the actions of the Defendant and co-conspirators, have suffered damages of not fewer than \$1,000,000.00 (one million and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee affecting multiple persons.

SEVENTH CAUSE OF ACTION: COUNT 7

FALSE IMPRISONMENT

180. Claimant repeats the allegations contained in paragraphs one (1) through one-hundred-seventy-nine (179) as though set forth verbatim herein without limitation and with full force and effect.

181. That Defendant acted purposefully with the intent to confine the Mr. Kenton without consent or authority violating his civil rights;
182. That the threat or actions of the defendant created actual confinement of Mr. Kenton.
183. That the Claimant was aware of the detention.
184. That Claimant deserves compensatory and punitive damages as to be determined by this Honorable Commission of not fewer than \$300,000. (three hundred thousand and 00/100 dollars).

PRAYER FOR RELIEF

WHEREFORE, James Kenton prays as follows:

1. For legal and actual damages according to proof, including trebled or doubled damages where applicable by law on his causes of action in law and equity for:
 - a. an award against the Defendant for damages in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant on the first cause of action;
 - b. an award against the Defendant for damages in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant on the second cause of action;

- c. an award against the Defendant for damages in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant on the third cause of action;
- d. an award against the Defendant for damages in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant on the fourth cause of action;
- e. an award against the Defendant for damages in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the maximum statutory award claims against the State of Tennessee by an individual claimant on the fifth cause of action;
- f. an award for compensatory and punitive damages of not fewer than \$1,000,00.00 (one million and 00/100 dollars) or the maximum statutory compensation limitations by the State of Tennessee on the sixth cause of action;
- g. an award against the Defendant for damages in the sum of \$300,000.00 (three hundred thousand and 00/100 dollars) that is the

maximum statutory award claims against the State of Tennessee by an individual claimant on the seventh cause of action;


2. For exemplary damages according to the proof and wisdom of this Commission or any other relief that this Commission deems just and proper;

3. That James Kenton recover the costs of this claim including but not limited to fees, costs, disbursements, and attorney's fees;

4. That this Commission refer this matter to the United States Department of Justice for investigation and putative prosecution for perjury, fraud, and obstruction of justice by William Thorogood;

5. That this Commission enter such other further relief to which Complainant may be entitled as a matter of law or equity, or that the Commission determines to be just and proper.

Dated: June 30, 2022



Joe Calvert, BPR # 024259
Attorneys for Claimant
Calvert & Associates

1137 GreenLea Blvd., B29
Gallatin, Tennessee 37066
Tennessee Telephone: 615-989-7929
Toll-Free: 1-877-CALVERT
E-Mail: mr.calvert@attorneys-counselors.com

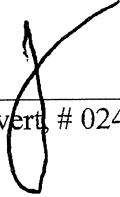
To:
Paula Merrifield, Clerk
Tennessee Claims Commission
Andrew Jackson Building, 13th Floor
502 Deadrick Street
Nashville, Tennessee 37243-0207

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this AMENDED COMPLAINT was mailed by First-Class US mail within the State of Tennessee postage prepaid to::

Hollie R. Parrish, Esq.
Attorney General's Office
Civil Law Division
P.O. Box 20207
Nashville, Tennessee 37202-0207

Dated: June 30, 2022



Joe Calvert, # 024259

EXHIBIT A

COMPLAINT NUMBER: 2020-0383915

WARRANT NUMBER: GS925767

PROSECUTOR: William Decker Thorowgood

DEFENDANT: James P Kenton

VICTIM: Roger J Stephens

STATE OF TENNESSEE, COUNTY OF DAVIDSON

AFFIDAVIT

Home Improvement Fraud - > \$1,000 but < \$2,500

39-14-154

Personally appeared before me, the undersigned, Commissioner, the prosecutor named above and made oath in due form of law that he has probable cause to believe that the defendant named above on 04/29/2020 in Davidson County, *did unlawfully defraud the victim of \$1,190* and that *the probable cause is as follows:*

On 4/29/2020 the victim had an estimate completed by Tennessee Metal Roofing Company for a new roof to his residence. A representative for Tennessee Metal Roofing Company arrived at the victim's home and completed the estimate. The representative quoted the victim at \$11,990 for a new metal roof. The victim paid a down payment of \$1,190 and signed a contract. An unknown representative from Tennessee Metal Roofing Company completed an inspection of the victim's current roof and informed the victim that his contract was no longer valid and new contract needed to be completed. The new contract was significantly higher than the original contract. The victim refused to sign the new contract and requested a refund from Tennessee Metal Roofing Company. The victim attempted to contact a representative numerous times and could not reach anyone. On 5/2/2020 the victim mailed a letter via certified mail to the company's listed business address. The victim did not receive a response and filed a police report. On 6/9/2020, I spoke with the company owner, Mr. James Kenton over the phone. I asked Mr. Kenton if he received and deposited the victim's check used as a down payment. Mr. Kenton responded by saying "you're damn right I did and he's not getting his money back." A judicial subpoena was executed on a business account belonging to Tennessee Metal Roofing Company. The account was opened by James Kenton. The records showed that Mr. Kenton deposited the check. The victim has not been refunded and no work was ever completed on his home.

Prosecutor: William Decker Thorowgood 887601

ARREST WARRANT

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Home Improvement Fraud - > \$1,000 but < \$2,500 B FELONY, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 08/18/2020 14:08:10:

Steve Holzapfel

Judge of the Metropolitan General Sessions Court/Commissioner

EXHIBIT B



WILSON COUNTY SHERIFFS OFFICE

Incident Report

Case Number: 202025605

INCIDENT # : 202025605
Address: 1636 SOUTHAMTON WAY
City, State, Zip: MT JULIET, TN. 37122-
Zone: NW
Reporting Officer: 599 - BOSTON, CHARLES
Assigned Officer: 599 - BOSTON, CHARLES

Report Date: 08/21/2020
Report Time: 18:35 - hours
Date Occured From: 08/21/2020 - 18:00 - hours
Date Occured Thru: 08/21/2020 - 19:00 - hours
Reportable: NO
Assigned Date: 08/21/2020
Exceptional Clearance:

INCIDENT OFFENSE(S)

U.C.R.: -FRAUD:HOME IMPROVEMENT SERVICES PROVIDER

SUSPECT(S) / ARRESTEE(S) / MISSING PERSON(S)

ARRESTEE: KENTON, JAMES PATRICK
City, State, Zip: MTJULIET, TN. 37122-
Age: (51)
Race: W Sex: M Height: 511 Weight: 225
Hair: BR Eyes: GR Hispanic: No

Arrest Date: 08/21/2020 Time: 18:35 Hours UCR:
Arrested By: 599 - BOSTON, CHARLES
Arrested At: 1636 SOUTHAMTON WAY
Armed With: UNARMED
Warrants Signed: OFFICER

CHARGE	Court	Court Date	TIME	DOCKET	BOND	CHARGE DESCRIPTION
62-6-510					.00	FRAUD:HOME IMPROVEMENT SERVICES PROVIDER

NARRATIVE

Reporting Officer: 599 - BOSTON, CHARLES

ON 8/21/2020 JAMES PRESTON KENTON WAS PICKED UP AND TAKEN INTO CUSTODY AND PLACED UNDER ARREST AT HIS ADDRESS AT 1636 SOUTHAMPTON WAY IN MT JULIET TENNESSEE ON A OUT OF COUNTY WARRANT #GS 925767 TCA 39-14-154 HOME IMPROVEMENT FRAUD. MT JULIET POLICE DEPARTMENT WAS ALREADY AT THE ADDRESS ON A DOMESTIC DISPUTE CALL UPON MY ARRIVAL. AT THE TIME OF THE ARREST THERE WAS ONE UNDERAGE CHILD A SEVEN YEAR OLD GIRL THAT WAS LEFT WITH ITS MOTHER JULIE PHAM AT THE ADDRESS. JAMES PRESTON KENTON WAS TRANSPORTED TO THE WILSON COUNTY JAIL BOOKING. NO CHARGES IN WILSON COUNTY. A HOLD WAS PLACED BY DAVIDSON COUNTY. THIS OCCURRED IN WILSON COUNTY TN.
END OF REPORT.

BOSTON, C - 599 - 8/21/2020 8:27:53 PM

BATES, E - 625 - 8/22/2020 9:49:51 AM

BONNER, R - 925 - 8/24/2020 9:31:04 AM

CASE MANAGEMENT INFO

Reporting Officer: 599 - BOSTON, CHARLES

Approving Officer: 599 - BOSTON, CHARLES



WILSON COUNTY SHERIFFS OFFICE

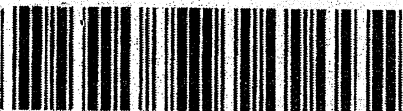
Incident Report
Case Number: 202025605

Reporting Officer: 599 - BOSTON, CHARLES
Approving Officer: 599 - BOSTON, CHARLES
Assigned Officer: 599 - BOSTON, CHARLES
Clearing Officer: 599 - BOSTON, CHARLES

Report Date: 08/21/2020
Approving Date: 08/21/2020
Assigned Date: 08/21/2020
Clearing Date: 08/21/2020

Officer Signature: _____ Date: _____ Supervisor: _____

EXHIBIT C



**CHARTER
FOR-PROFIT CORPORATION**

SS-4417



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102
(615) 741-2286

Filing Fee: \$100.00

For Office Use Only

-FILED-

Control # 001005301

The name of the corporation is: Tennessee Metal Roofing, Inc.

10. The complete mailing address of the entity (if different from the principal office) is:

11. List the name and complete address of each incorporator:

Title	Name	Business Address	City, State, Zip
Incorporator	Linh Thach	901 BROADWAY #24210	NASHVILLE, TN 37202

12. Professional Corporation: (required if the additional designation of "Professional Corporation" is entered in section 3.)

I certify that this is a Professional Corporation.

Licensed Profession:

13. Other Provisions:

(Note: Pursuant to T.C.A. §10-7-503 all information on this form is public record.)

Electronic

Signature

Linh Thach

Printed Name

Incorporator

Title/Signer's Capacity

Jan 16, 2019 11:07AM

Date

B0638-5873 01/16/2019 11:07 AM Received by Tennessee Secretary of State Tre Hargett

EXHIBIT D

CALVERT & CALVERT
ATTORNEYS AND COUNSELORS AT LAW

521 FIFTH AVENUE, NEW YORK, NEW YORK 10175
1137 GREENLEA BLVD, B29, GALLATIN, TENNESSEE 37066
468 NORTH CAMDEN DRIVE, BEVERLY HILLS, CALIFORNIA 90210

TOLL FREE: 1-877-CALVERT

July 7, 2020

By First-Class Mail

Re: Notice of Breach of Contract and Demand for Payment

Roger & Karen Stephens
2505 Pulley Road
Nashville, Tennessee 37214

Dear Mr. & Ms. Stephens:

We represent Tennessee Metal Roofing. On April 29, 2020, you entered a contract with our client for a metal roof for your home at 2505 Pulley Road, Nashville, Tennessee for in exchange for payment of \$11,900.00. You executed all necessary documents accordingly.

However, when our client was to begin the roof repairs you refused to allow Tennessee Metal Roofing to begin and complete the contracted repairs. You are in breach of contract. A balance of \$10,000.00 remains on the contract.

You have two options to resolve this issue. First, you can contact our client and make all appropriate arrangements to complete the roof repairs and to install a new roof as agreed. Second, you can send payment of \$10,000 according to the contract terms to Tennessee Metal Roofing at 11205 Lebanon Road, #294, Mt. Juliet, Tennessee 37122.

If you do not make payment or the appropriate arrangements with our client on or before the close of business on Monday, July 20, 2020, we will commence a lawsuit in the Circuit Court for Wilson County pursuant to the venue provision in the contract for breach of contract, common law fraud, promissory estoppel, and prima facie tort.

Let us remind you that defending lawsuits is expensive, stressful, and time consuming, especially when in addition to the money damages for which you will be liable on the contract there will be the additional expense of court costs, your unrecoupable attorney's fees, disbursements, and our client's attorney's fees pursuant to the contract that you signed.

Guide yourself accordingly,

Joe Calvert BPR# 024259
RB/jc

www.attorneys-counselors.com

EXHIBIT E

Tennessee Secretary of State

Tre Hargett

[Business Services](#)[Charitable](#)[Clubs](#)[Elections](#)[Publications](#)[Library & Archives](#)[Safe At Home](#)[Contact Us](#)

Business Services Online > Find and Update a Business Record

Business Information Search

As of March 24, 2021 we have processed all corporate filings received in our office through March 17, 2021 and all annual reports received in our office through March 09, 2021.

Search by business name or [Secretary of State Control Number](#) in order to file annual reports and other amendments or to view the business detail.

Search:

Search Name: Starts With Contains

Control #:

Active Entities Only:

No Records Found...

Information about individual business entities can be queried, viewed and printed using this search tool for free.

If you want to get an electronic file of all business entities in the database, the full database can be downloaded for a fee by [Clicking Here](#).

[Click Here](#) for information on the Business Services Online Search logic.

Division of Business Services
312 Rosa L. Parks Avenue, Snodgrass
Tower, 6th Floor
Nashville, TN 37243
615-741-2286
8:00 a.m. until 4:30 p.m. (Central)
Monday - Friday

[Directions](#) | [State Holidays](#) | [Methods of Payment](#)

Business Filings and Information (615) 741-2286 | TNSOS.CORPINFO@tn.gov

Certified Copies and Certificate of Existence (615) 741-6488 | TNSOS.CERT@tn.gov

Motor Vehicle Temporary Liens (615) 741-0529 | TNSOS.MVTL@tn.gov

Notary Commissions (615) 741-3699 | TNSOS.ATS@tn.gov

Uniform Commercial Code (UCC) (615) 741-3276 | TNSOS.UCC@tn.gov

Workers' Compensation Exemption Registrations (615) 741-0526 | TNSOS.WCER@tn.gov

Apostilles & Authentications (615) 741-0536 | TNSOS.ATS@tn.gov

Summons (615) 741-1799 | TNSOS.ATS@tn.gov

Trademarks (615) 741-0531 | TNSOS.ATS@tn.gov

Nonresident Fiduciaries (615) 741-0536 | TNSOS.ATS@tn.gov

OUR MISSION

Our mission is to exceed the expectations of our customers, the taxpayers, by operating at the highest levels of accuracy.

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LINKS

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[Bureau of Ethics and Campaign Finance](#)

EXHIBIT F

Incident Report



Metropolitan Police Department
 Nashville, Tennessee
 ver 4.7

1. MPD Incident No. 2020-0383915	ZONE 533	R.P.A. 8993
--	--------------------	-----------------------

Part 1 Incident		2. Related Incident <input checked="" type="checkbox"/> N/A	
		3. Other Police Agency & Case Incident No. <input checked="" type="checkbox"/> N/A	
4. Report Type DISPATCHED	5. Report Date/Time 06/01/2020 20:09	6. Incident Date/Time (From/To) 04/29/2020 08:00 - 04/29/2020 17:00	
7. Reporting/Dispatched Location 2505 PULLEY RD		Apt No	City
Cross Street:		State TN	Zip Code <input type="checkbox"/>
8. Address of Incident 2505 PULLEY RD		Apt No	City NASHVILLE
Cross Street:		State TN	Zip Code 37214 <input checked="" type="checkbox"/>
# 1	9. Offense CODE 90Z	10. Offense Description ALL OTHER	11. Status COMPLETED
13. Weapon CODE (Enter up to 3) NONE		12. Location Type CODE RESIDENCE, HOME	
15. Hate Crime Suspected NO	16. Suspected Gang Activity NO	16a. Terrorism Suspected NO	17. (For Burglary) Forced Entry
		If Hotel/Motel/rental Storage No. of Premises Entered	18. (For Burglary/Robbery) Home Invasion?
Part 2 <input checked="" type="checkbox"/> N/A Victim No. 1	31. Victim Type Individual (18 and over)		19. (Last, First, Middle Name or Business Name) <input type="checkbox"/> UNK <input checked="" type="checkbox"/> MNI 57944741
20. SSN <input type="checkbox"/> UNK <input checked="" type="checkbox"/> N/A		21. Driver License (State (Number)) <input type="checkbox"/> UNK <input type="checkbox"/> N/A TN 035770119	
Same as Address of Incident (Block #8) <input checked="" type="checkbox"/>	22. Address of Victim Street <input type="checkbox"/> UNK 2505 PULLEY RD	Apt No	City NASHVILLE
	Cross Street	State TN	Zip Code 37214 <input checked="" type="checkbox"/>
23. Sex MALE	24. Race White	25. Ethnicity NON HISPANIC	27. County Resident Yes
29. Phone Numbers: HM: WK: Cell/Pager: (615) 294-6318		28. DOB <input type="checkbox"/> UNK <input type="checkbox"/> N/A 10/08/1950	29. Age <input type="checkbox"/> N/A 69 - Years
30. Victim of Offenses: (Ref Block #9) 90Z		32. Local College Student? (If Yes, List Name of College/University) N/A	
33. Employment (Name) <input checked="" type="checkbox"/> N/A (Address) (Apt No) (Cross Street) (City) (State) TN (Zip Code) (Email Address)		<input type="checkbox"/> MNI	
34. Domestic Disturbance? No <input type="checkbox"/> VAPIT		If Yes, Answer the Following Questions	Were Children taken to Safe Place? Were Children Present During Incident?
35. Victim to Suspect 1 HARKIN, MIKE		Relationship RELATIONSHIP UNKNOWN	
35. Victim to Suspect 2 UNKNOWN, DWAYNE		Relationship RELATIONSHIP UNKNOWN	
36. Aggravated Assault/Homicide Circumstances		37. Negligent Manslaughter	38. Justifiable Homicide

Part 3		92. (Last, First, Middle Name) <input type="checkbox"/> Alias <input type="checkbox"/> UNK <input type="checkbox"/> MNI				94. SSN or Driver Lic. No.		
Suspect # 2		UNKNOWN		DWAYNE		Unknown		
93. Address Street <input checked="" type="checkbox"/> UNK		Apt #	City		State	Zip Code	95. Phone No. <input type="checkbox"/> UNK	
Cross Street:					TN		(615) 856-6992	
97. Sex MALE	98. Race White		99. Ethnicity NON HISPANIC		100. DOB <input checked="" type="checkbox"/> UNK	101. Age <input checked="" type="checkbox"/> UNK Yrs	104. Height "	105. Weight lbs
106. Hair		107. Eyes						
108. Scars and Other Identifiers				109. Clothing				
102. Suspected of Using <input checked="" type="checkbox"/> NA Alcohol Drugs Computer				103. Status (Enter up to 2) AT LARGE				
96. Weapon/Tool (Enter Up To 3) NONE								
110. Vehicle Used <input checked="" type="checkbox"/> Seized (If seized, complete Part 5, Motor Vehicle Section) <input checked="" type="checkbox"/> MVI NEW								
(Year)	(Make)	(Model)	(Style)	(Color)	(License No.)	(State)	(Yr)	
						TN		
Part 4		39. Other Person Type (Non-Victim)		40. (Last, First, Middle Name) <input checked="" type="checkbox"/> MNI NEW				
Other Person # 1		Other		KENTON		JAMES PATRICK		
41. Address Street <input checked="" type="checkbox"/> UNK		Apt No.	City		State	Zip Code	42. Place of Employment/School <input checked="" type="checkbox"/> UNK	
Cross Street:								
43. Status NOT INTERVIEWED	44. Sex MALE	45. Race White		47. DOB <input checked="" type="checkbox"/> UNK	46. Age <input type="checkbox"/> UNK Yrs	48. Phone Numbers HM WK Cell/Pager		
Part 5 Property		49. Victim/Suspect No.						
<input type="checkbox"/> N/A		Victim		1	STEPHENS, ROGER			
50. Cat CODE 21-NEGOTIABLE INSTRUMENTS: ANY DOCUMENT, OT				Category (Other)				
51. Property Description (Make) (Model) (Size) (Type) (Color)								
PERSONAL CHECK (WILSON BANK & TRUST)								
52. Serial No. CHECK # 2289		Owner Applied No.			53. QTY 1			
54. Type CODE Stolen			55. Cond CODE UNDAMAGED (USED)			Condition CODE (Other)		
56. Est \$ Value 1,990		57. Date Recovered		Recovered \$Value				
58. Stored By CODE				Stored By (Other)				

Part 6 Injury & Transport N/A

85. Injured:

86. "Injury" Code (Enter Up to 5)

87. Describe Injury

88. Medical Treatment

89. Transported By

90. Examining Physician N/A

91. Status

Part 7 Search By Officer N/A

111. Search Type

112. Searched Location (Address, Area, Etc.)

Part 8 Other Units Requested N/A

113. I.D. Section Called To Scene:

Yes, for: Photos Prints Other Other:

DNA Firearms Brass Casings

114. Other Units Called:

Part 10 Narrative 120.

ON 06/01/2020 OFFICERS WERE DISPATCHED TO 2505 PULLEY DR FOR A THEFT REPORT. UPON ARRIVAL OFFICERS TALKED TO ROGER STEPHENS (VICTIM#1).

VICTIM#1 EXPLAINED HE MET WITH MIKE HARKIN (SUSPECT#1, SALES PERSON WITH TENNESSEE METAL ROOFING 11205 LEBANON RD #294 MT. JULIET, TN 37122, CELL#:615-573-2221 WK PH#: 615-656-4911, EMAIL:TNMETALROOFING@GMAIL.COM WEBSITE: WWW.TENNESSEEMETALROOFING.NET) AT THE DISPATCHED LOCATION TO DISCUSS INSTALLING A NEW ROOF. AFTER THE INITIAL MEETING, THEY CONTINUED TO DISCUSS PRICING AND FINANCING REACHING AGREEMENT ON 04/29/2020. AT THIS POINT, VICTIM#1 GAVE SUSPECT#1 A PERSONAL CHECK (CHECK#2289 FROM WILSON BANK & TRUST 217 DONELSON PIKE NASHVILLE, TN 37214) IN THE AMOUNT OF \$1990 TO FURNISH AND INSTALL THE ROOF. A FEW DAYS AFTER SUBMITTING THE CHECK, DWAYNE (SUSPECT#2) CAME TO DISPATCHED LOCATION TO TAKE FINAL MEASUREMENTS ON ROOF BEFORE ORDERING THE MATERIAL. SUSPECT#2 TOLD VICTIM#1 THE CONTRACT HE SIGNED WITH SUSPECT#1 WAS NO LONGER VALID AND HE HAD TO SIGN A NEW CONTRACT. VICTIM#1 LOOKED AT THE NEW CONTRACT, SAW THE PRICING AND FINANCING

(V
(VAPIT=N|BWC=N)

WERE SIGNIFICANTLY HIGHER, AND TOLD SUSPECT#2 HE WOULD NOT SIGN THE NEW CONTRACT. SUSPECT#2 LEFT THE DISPATCHED LOCATION. VICTIM#1 MADE MULTIPLE ATTEMPTS TO CONTACT OP#1 AND THE COMPANY BY PHONE TO REQUEST A REFUND BUT NEVER RECEIVED A CALL BACK. VICTIM#1 INDICATED HIS PERSONAL CHECK WAS CASHED AND FUNDS WERE WITHDRAWN FROM HIS ACCOUNT ON 04/30/2020. VICTIM#1 SENT AN REGISTERED LETTER TO THE COMPANY AND NEVER RECEIVED A REPLY. VICTIM#1 ADDED THAT HE BELIEVES JAMES KENTON (OP#1) IS THE OWNER OF THE COMPANY. VICTIM#1 WAS ADVISED BY AN ATTORNEY THAT HE SHOULD REPORT A THEFT TO THE POLICE PER TCA 39-14-154: ACTIONS BY HOME IMPROVEMENT SERVICES PROVIDER THAT CONSTITUTE OFFENSE.

121. Body Worn Camera or In-Car Camera Evidence May Exist Related To This Incident: Yes None Known At Time of Report

122. Report is Continued on: N/A (Check all that apply) Supplement Report Addendum Report

123. Signature of Recipient/Authorizer: N/A Refuse to Sign STEPHENS, ROGER

127. Advisory Notice Issued

Victim 1

Citizen Information Notice

123. Signature of Recipient/Authorizer: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Refuse to Sign		127. Advisory Notice Issued	
Victim 2		N/A	
Will Victim Prosecute:			
Victim 1	STEPHENS, ROGER	Yes	Victim 2 State of TN (Society) Yes
Primary Investigative Unit: HERMITAGE INVESTIGATIONS			
Can Victim/Other Person Identify Suspect(s):			
Victim 1	STEPHENS, ROGER	Yes	Person 1 KENTON, JAMES No
Victim 2	State of TN (Society)	No	Reporting Agency: METROPOLITAN NASHVILLE POLICE DEPARTMENT
128. Case Status		Cleared by Exception	
Open		<input type="checkbox"/> Cargo Theft	
124. Reporting Officer (First, MI, Last)		Employee No.	Agency
/S/PHILLIP BURKE		330415	TN0190100
125. Approving Supervisor		Employee No.	Agency
/S/JOHN ROBINSON		672460	TN0190100
126. Reviewer		Employee No.	Agency
/S/TARA THURMON		179465	TN0190100
		Date	06/03/2020
Comments			

Crime Scene Photo(s) Taken: NO

EXHIBIT G

STATE OF TENNESSEE
DAVIDSON COUNTY GENERAL SESSIONS COURT

STATE OF TENNESSEE,

Plaintiff,

v.

JAMES P. KENTON,

Defendant.

)
)
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)

Case No.: 2020-0383915

**TRUIST BANK'S OBJECTIONS AND RESPONSES TO
SUBPOENA DUCES TECUM**

Pursuant to Tennessee Rule of Civil Procedure 45, Truist Bank, formerly known as SunTrust Bank ("Truist") hereby submits its responses and objections to James Kenton's ("Defendant" or "Kenton") Subpoena for Production of Documentary Evidence (the "Subpoena").

RESPONSES AND OBJECTIONS

- 1. *Any judicial subpoena executed on an alleged business banking account belonging to "Tennessee Metal Roofing Company" sworn to as obtained by Detective William Decker Thorowgood and in the possession of Sun Trust Bank*

RESPONSE: After reasonable, diligent search, Truist responds that it has no documents responsive to this Request.

- 2. *Copies of the required statutory notices to "Tennessee Metal Roofing Company" pursuant to Tennessee Code Annotated §45-10-106 and/or Tennessee Code Annotated §45-10-107 to obtain subpoenaed information from an alleged business entity form SunTrust Bank.*

RESPONSE: After reasonable, diligent search, Truist responds that it has no documents responsive to this Request.

3. *All proof of existence of a non-corporate entity known as "Tennessee Metal Roofing Company" to which SunTrust Bank provided information in substitution for Tennessee Metal Roofing Inc.*

RESPONSE: After reasonable, diligent search, Truist responds that it has no documents responsive to this Request.

4. *Any documentation that James Patrick Kenton is the "the company owner" of "Tennessee Metal Roofing Company" (that does not exist in the State of Tennessee) anywhere in the world without limitation and that is a business with an account at SunTrust Bank.*

RESPONSE: After reasonable, diligent search, Truist responds that it has no documents responsive to this Request.

5. *Any subpoenas issued to SunTrust Bank by any Tennessee governmental agency regarding James Patrick Kenton or Tennessee Metal Roofing Inc.*

RESPONSE: Truist objects to this request as it would require Truist to violate Court Order which reads "Disclosure of this subpoena is hereby prohibited by Order of this Court" as well as Tenn. Code Ann. § 45-10-117(b)(1). Such information is instead required to be provided by the requesting government authority following the related statutory period of delay. See Tenn. Code Ann. 45-10-117(b)(3) ("Upon expiration of the period of delay of notification under subdivision (b)(1) or (2), the customer shall be served with or mailed a copy of the subpoena by the government authority").

6. *Copies of the required statutory notices or court order to subpoena Tennessee Metal Roofing Inc. received by SunTrust Bank pursuant to Tennessee Code Annotated §45-10-106 and/or Tennessee Code Annotated §45-10-107 to obtain subpoenaed information from a business entity.*

RESPONSE:

Truist objects to this request as it would require Truist to violate Court Order which reads "Disclosure of this subpoena is hereby prohibited by Order of this Court" as well as Tenn. Code Ann. § 45-10-117(b)(1). Such information is instead required to be provided by the requesting government authority following the statutory period of delay. See Tenn. Code Ann. 45-10-117(b)(3) ("Upon expiration of the period of delay of notification under subdivision (b)(1) or (2), the customer shall be served with or mailed a copy of the subpoena by the government authority"). Subject to, and without waiving the foregoing, Truist states that, to the best of its knowledge, and due to Court Order and Tenn. Code Ann. § 45-10-117(b)(1), it did not receive notices under Tenn. Code Ann. §§ 45-10-106 or 107.

7. *The front and back of any check issued to the accounts you maintain for Tennessee Metal Roofing Inc., from account number 11243144, routing number 064103529, in the name of Karen D. Stephens and Roger J. Stephens 2505 Pulley Rd, Nashville, Tennessee 37214 drawn on Wilson Bank and Trust between the dates of April 25, 2020 and August 18, 2020.*

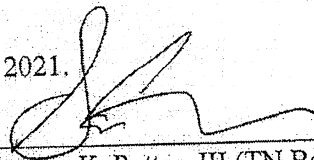
RESPONSE: Please see Documents No. Truist-Kenton_000001 to 000003

produced herewith.

8. *Statutory Notice: that Defendant is in compliance with delivering all notices required to Tennessee Metal Roofing Inc. pursuant to Tennessee Code Annotated §45-10-106 and/or Tennessee Code Annotated §45-10-107. There are no notices to Tennessee Metal Roofing Company because no such entity exists.*

RESPONSE: Truist notes that this numbered paragraph is a notice and not a request for records, and without agreeing to it or its effect, Truist has no further response.

Respectfully submitted this 31st day of March, 2021.



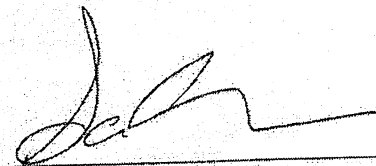
Thomas K. Potter, III (TN Bar # 024857)
Samuel A. Morris (TN Bar # 034878)
BURR & FORMAN LLP
222 Second Avenue South, Ste. 2000
Nashville, Tennessee 37201
Telephone: 615-724-3231
Facsimile: 615-724-3331
Email: tpotter@burr.com
Email: smorris@burr.com

Attorneys for TRUIST BANK

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served via the e-mail on this the 31st day of March, 2021 to the following:

Joe Calvert
Counsel for Defendant
1137 GreenLea Boulevard, B29
Gallatin, TN 37066
mr.calvert@attorneys-counselors.com



Samuel A. Morris

EXHIBIT H

Court General Sessions Court Sumner County Gallatin, Tennessee	SUBPOENA DUCES TECUM ADDENDUM FOR Subpoena for Production of Documentary Evidence (Books, Papers, Documents)	Case Numbers GS 925767
State of Tennessee, County of Davidson vs. [Plaintiff's Name]		James Patrick Kenton [Defendant]

Subpoena for Production of Documentary Evidence (Books, Papers, Documents, etc.) - to produce and permit inspection, copying, testing, or sampling of the following designated books, papers, documents, electronically stored information, or tangible things: Subpoena Addendum SUBPOENA ADDENDUM FOR Subpoena for Production of Documentary Evidence (Books, Papers, Documents)
 and to swear or affirm that the things produced are authentic to the best of your knowledge, information, and belief, and to state whether all responsive things have been produced, pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; the subpoenaed items must be produced at 1137 Greenleaf Blvd, H29, Gallatin, TN 37066 on or before November 13, 2020 at 5:00 p.m.;

The Complainant, Roger J. Stephens shall provide documents as follows.

1. Copies of all correspondence by certified mail to Tennessee Metal Roofing Inc. or James Patrick Kenton specifically dated May 2, 2020.
2. Receipts regardless of form (cash, credit card, check, debit card) verifying payment to the United States Postal Service any fee for certified mail sent to Tennessee Metal Roofing Inc. or James Patrick Kenton specifically dated May 2, 2020.
3. All contracts and agreements regardless of form and method of contract for work at your home at 2505 Pulley Rd., Nashville Tennessee 37214, with Tennessee Metal Roofing Inc. or bearing a signature by James Patrick Kenton.
4. A front and back copy of any check issued to and cashed by Tennessee Metal Roofing Inc. or James Patrick Kenton for specifically \$1,190.00 (one thousand one hundred ninety and 00/100 dollars).
5. Copies of your telephone bill evidencing that you "attempted to contact a representative numerous times and could not reach anyone" with respect to Tennessee Metal Roofing Inc.
6. Any document without limitation bearing the name James Patrick Kenton in regards to placing a roof on your home.
7. The front and back of check number 02289, account number 11243144, routing number 064103529, in the name of Karen D. Stephens and Roger J. Stephens 2505 Pulley Rd, Nashville, Tennessee 37214 drawn on Wilson Bank Trust.
8. All agreements between Roger Stephens or Roger Stephens Heating and Air Conditioning with any member of the Metropolitan Nashville Police Department without limitation.
9. All written correspondence with the Metropolitan Nashville Police Department without limitation.
10. All correspondence without limitation with members of an association that refer to themselves as the "tribe" regarding James Patrick Kenton including but not limited to:
 Carol MacCollum, Wells, ME
 Maryellen Kenton, Wilmington, NC
 Michelle Prescott, South Portland, ME
 Marcus Scott, Nashua, NH and N. Andover, MA

Deborah Larson, Georgetown, MA
Leslie Nolan, Bourne, MA

11. All correspondence with any news reporter or news service without limitation. Regarding the Defendant or Tennessee Metal Roofing Inc.

Signature of issuing party's attorney: _____

Date: October 26, 2020

Signature of Clerk/Deputy Clerk

EXHIBIT I

IN THE GENERAL SESSIONS COURT, CRIMINAL DIVISION, FOR DAVIDSON COUNTY,
TENNESSEE

STATE OF TENNESSEE)

against)

JAMES PATRICK KENTON)

Case No. **GS 925767**

MOTION FOR CONTEMPT: ROGER J. STEPHENS

Comes the Movant, JAMES PATRICK KENTON, through and by his counsel that would respectfully show to the Court as follows:

1. That the complainant Roger J. Stephens was issued a Subpoena Duces Tecum on or about October 26, 2020 by an officer of this Court despite repeated delays without justification or explanation.
2. That Roger J. Stephens failed to comply with subpoena or enter a motion to quash and the time period to take either action has expired.

CRIMINAL CONTEMPT

3. Pursuant to T.C.A. §29-9-103, the above conduct on behalf of Roger J. Stephens constitutes willful and deliberate criminal contempt of the Orders of this Court. Movant requests that the Court find Roger J. Stephens in willful criminal contempt for each instance cited above and punish him accordingly by ordering him to serve up to ten (10) days in the county jail or workhouse and to pay a fine of up to fifty (\$50.00) dollars) for each instance of contempt for a total sentence of up to sixty days in confinement and a fine of up to \$600.00 dollars.)

CIVIL CONTEMPT

4. In the alternative and pursuant to T.C.A. § 29-9-104, the Movant submits that the foregoing conduct on behalf of Roger J. Stephens constitutes willful and deliberate contempt of the Orders of this Court as Roger J. Stephens has the present ability to purge the contempt by complying with the Court's Order but has failed and refused to do so. Movant would request that the Court find Roger J. Stephens in willful civil

contempt and punish him/her accordingly by ordering him/her to serve time in the county jail or workhouse until he has purged himself of contempt by complying with the Orders of this Court.

REQUEST FOR APPEARANCE ORDER

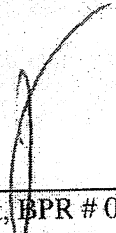
6. The Movant would show that he is in dire need of the relief requested herein and that the Movant will and has suffered irreparable harm unless the Court compels Roger J. Stephens to obey this Court's Order. Movant would therefore request that the Court immediately issue an Appearance Order requiring Roger J. Stephens to appear before this Court on a date certain and then and there defend the allegations of contempt filed against him.

PREMISES CONSIDERED; MOVANT PRAYS:

1. That proper process issue and that Roger J. Stephens be served with this Motion for Contempt and any other Relief and Roger J. Stephens be required to defend this cause.
2. That the Court immediately issue an Appearance Order requiring Roger J. Stephens to appear before this Court on a date certain to then and there defend this Petition for Contempt and other relief this Court deems just and proper.
3. That at the final hearing of this cause, Roger J. Stephens be found in willful and deliberate criminal contempt of the Orders of this Court and order him to serve sixty days in the county jail or workhouse for each instance of contempt and order him to pay a fine of Six Hundred Dollars that is the total of \$50.00 for each instance of contempt.
4. That, in the alternative, the Court find Roger J. Stephens in willful and deliberate contempt of the Orders of this Court and he be ordered to serve time in the county jail or workhouse until he has purged himself of contempt by producing all documents requested by Movant.

5. That the Movant be awarded his reasonable attorney's fees for enforcing the Court's Order in this cause and be awarded a judgment against Roger J. Stephens.
6. That Roger J. Stephens be ordered to pay any Court cost in this cause.
7. For all further and general relief that this Court deems just and proper.

Respectfully submitted,



Joe Calvert, BPR # 024259
Attorney for Movant
Calvert & Associates
1137 GreenLea Blvd., B29
Gallatin, Tennessee 37066
Tennessee: 615-989-7929
Toll Free: 1-877-CALVERT

NOTICE OF RIGHTS

PURSUANT to Rule 42 of the Tennessee Rules of Criminal Procedure, Roger J.

Stephens is hereby given notice of the following:

1. That you are hereby charged with CRIMINAL CONTEMPT pursuant to T.C.A. §29-9-101, et seq.

2. The Movant alleges that you willfully violated the Court's Order by failing to pay support as Ordered in the correct amount by the date that it became due or otherwise violating the Court's Order.

3. If you are found guilty of violating the Court's Order, you are subject to incarceration for up to ten (10) days for each violation of the Court's Order for a maximum sentence of one hundred eighty (180) days in jail.

1. As said charge is in the nature of criminal contempt, you have certain constitutional rights, and Movant hereby gives notice of those rights.

(A) You have the right to be represented by an attorney in this contempt proceeding. If the Court determines that you are unable to afford an attorney, the Court will appoint an attorney for you.

(B) You have the right to have guilt proven against you beyond a reasonable doubt with the burden of proof being on the Movant.

(C) You have the right against self-incrimination, which includes the right to remain silent as to the allegations of criminal contempt filed against you.

(D) You have the right to a presumption of innocence until such time as the allegations of guilt are proven beyond a reasonable doubt.

(E) You have all the other rights afforded to any other individual charged with violation of a criminal statute.



Joe Calvert, Attorney for Movant

IN THE GENERAL SESSIONS COURT, CRIMINAL DIVISION, FOR DAVIDSON
COUNTY, TENNESSEE

STATE OF TENNESSEE)

against)

JAMES PATRICK KENTON)

Case No. GS 925767

REQUEST FOR AN APPEARANCE ORDER

TO: Roger J. Stephens
2505 Pulley Rd.
Nashville, Tennessee 37214

You are hereby ORDERED to appear before this COURT on the day of _____, 2021 at _____ and then and there defend the Motion for Contempt and Other Relief filed against you.

YOUR FAILURE TO APPEAR AS ORDERED MAY RESULT IN AN ATTACHMENT FOR YOUR PERSON AND YOUR INCARCERATION PENDING A HEARING IN THIS MATTER AND/OR A FINDING OF CONTEMPT AND INCARCERATION.

This the _____ day of _____, 2021

Judge of the General Sessions Court

Approved for Entry:

Joe Calvert, BPR # 024259
Attorney for Movant
Calvert & Associates
1137 GreenLea Blvd., B29
Gallatin, Tennessee 37066
615-989-7929

COMPLAINT NUMBER: 2020-0383915

WARRANT NUMBER: GS925767

PROSECUTOR: William Decker Thorowgood
DEFENDANT: James P Kenton
VICTIM: Roger J Stephens

STATE OF TENNESSEE, COUNTY OF DAVIDSON
AFFIDAVIT
Home Improvement Fraud- > \$1,000 but < \$2,500
39-14-154

Personally appeared before me, the undersigned, Commissioner, the prosecutor named above and made oath in due form of law that he has probable cause to believe that the defendant named above on 04/29/2020 in Davidson County, *did unlawfully defraud the victim of \$1,190* and that *the probable cause is as follows:*

On 4/29/2020 the victim had an estimate completed by Tennessee Metal Roofing Company for a new roof to his residence. A representative for Tennessee Metal Roofing Company arrived at the victim's home and completed the estimate. The representative quoted the victim at \$11,990 for a new metal roof. The victim paid a down payment of \$1,190 and signed a contract. An unknown representative from Tennessee Metal Roofing Company completed an inspection of the victim's current roof and informed the victim that his contract was no longer valid and new contract needed to be completed. The new contract was significantly higher than the original contract. The victim refused to sign the new contract and requested a refund from Tennessee Metal Roofing Company. The victim attempted to contact a representative numerous times and could not reach anyone. On 5/2/2020 the victim mailed a letter via certified mail to the company's listed business address. The victim did not receive a response and filed a police report. On 6/9/2020, I spoke with the company owner, Mr. James Kenton over the phone. I asked Mr. Kenton if he received and deposited the victim's check used as a down payment. Mr. Kenton responded by saying "you're damn right I did and he's not getting his money back." A judicial subpoena was executed on a business account belonging to Tennessee Metal Roofing Company. The account was opened by James Kenton. The records showed that Mr. Kenton deposited the check. The victim has not been refunded and no work was ever completed on his home.

Prosecutor: William Decker Thorowgood 887601

ARREST WARRANT

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Home Improvement Fraud- > \$1,000 but < \$2,500 E FELONY, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 08/18/2020 14:08:10.

Steve Holzapfel
Judge of the Metropolitan General Sessions Court/Commissioner

Court General Sessions Court Davidson County Nashville, Tennessee	<h1 style="margin: 0;">SUBPOENA DUCES TECUM</h1>	Case Number GS 925767
State of Tennessee, Davidson County [Plaintiff's Name]		vs. James Patrick Kenton [Defendant]

To:
 Roger J. Stephens
 2505 Pulley Rd
 Nashville, Tennessee 37214
 (615) 294-6318

Under penalty prescribed by law, you are commanded:

1. **Subpoena for Attendance at Hearing or Trial** – to appear personally before the _____ Court of _____ County, _____ [street address], _____ [city/town], Tennessee, on _____ [date] at _____ [time] a.m./p.m., and give testimony, pursuant to Rule 45.01 and 45.05 of the Tennessee Rules of Civil Procedure; when you arrive, you must remain at the court until the judge or a court officer allows you to leave;

2. **Subpoena for Production of Documentary Evidence (Books, Papers, Documents, etc.)** – to produce and permit inspection, copying, testing, or sampling of the following designated books, papers, documents, electronically stored information, or tangible things: Addendum annexed hereto _____ and to swear or affirm that the things produced are authentic to the best of your knowledge, information, and belief, and to state whether all responsive things have been produced, pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; the subpoenaed items must be produced at 1137 GreenLea Blvd, B29, Gallatin, TN 37066 on or before October 27, 2020 at 5:00 p.m.;

3. **Subpoena for Inspection of Premises** – to permit inspection of the following premises: _____ [address of premises to be inspected] on _____ [date] at _____ [time] a.m./p.m., pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; and/or

4. **Subpoena for Deposition Testimony** – to appear personally at _____ [address of deposition location] in _____ [city/town], Tennessee, on _____ [date], at _____ [time] a.m./p.m., then and there to testify by deposition in this matter, and to bring the following items: _____, pursuant to Rule 45.04 of the Tennessee Rules of Civil Procedure.

Notice for a subpoena for production of documentary evidence (#2 above) or for a subpoena for deposition testimony (#4 above): The failure to serve an objection to this subpoena within twenty-one days after the day of service of the subpoena waives all objections to the subpoena, except the right to seek the reasonable cost for producing books, papers, documents, electronically stored information, or tangible things.

This subpoena is issued on behalf of Defendant. The name, address, and telephone number of the issuing party's attorney Joe Calvert, 1137 GreenLea Blvd, B29, Gallatin, TN 37066 615-989-7929

Signature of issuing party's attorney: _____
 Date: October 26, 2020

 Signature of Clerk/Deputy Clerk

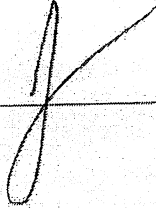
For Americans With Disabilities Act (ADA) assistance only, call: _____ [name & telephone number]

(This is a general form subpoena. The party issuing the subpoena is responsible for complying with any provision of law imposing additional notice requirements that apply to the pending case or to the type of records being sought under this subpoena.)

Deborah Larson, Georgetown, MA
Leslie Nolan, Bourne, MA

11. All correspondence with any news reporter or news service without limitation. Regarding the Defendant or Tennessee Metal Roofing Inc.

Signature of issuing party's attorney: _____



Date: October 26, 2020

Signature of Clerk/Deputy Clerk

Court General Sessions Court Davidson County Nashville, Tennessee	SUBPOENA DUCES TECUM	Case Number GS 925767
State of Tennessee, Davidson County [Plaintiff's Name]		vs. James Patrick Kenton [Defendant]

NOTICE: YOU CAN BE FOUND IN CONTEMPT OF COURT FOR FAILING TO COMPLY WITH THIS SUBPOENA AND IF FOUND GUILTY OF CONTEMPT YOU MAY BE FINED, IMPRISONED, OR BOTH.

RETURN OF SERVICE

Check one of the following boxes: Box 1 or Box 2 is only for the return by an authorized officer, by an attorney, or by an attorney's agent; pursuant to Tenn. Code Ann. § 23-2-105, the return by an attorney or the attorney's agent must be sworn to. Box 3 is only for the person named in the subpoena (or the authorized representative of an organization named in the subpoena) who acknowledges service, and such person must sign in the signature box below.

- 1. I certify that on the date indicated below I served a copy of this subpoena on (state the identity of the person served, and the place and manner of service): _____
- 2. I was unable to serve a copy of this subpoena on the person named in the subpoena because _____
- 3. I acknowledge being served with this subpoena on the date indicated below.

FOR RETURN BY ATTORNEY OR ATTORNEY'S AGENT:

DATE OF SERVICE: _____

Sworn to and subscribed before me on this ____ day of _____, 20 ____.

Notary Public or Deputy Clerk:

PLEASE PRINT: SIGNATURE OF OFFICER, ATTORNEY OR ATTORNEY'S AGENT, OR PERSON ACKNOWLEDGING SERVICE:

Signature

My Commission Expires: _____

Agency Address

(This is a general form subpoena. The party issuing the subpoena is responsible for complying with any provision of law imposing additional notice requirements that apply to the pending case or to the type of records being sought under this subpoena.)

Court
General Sessions Court
Sumner County
Gallatin, Tennessee

**SUBPOENA DUCES TECUM
ADDENDUM FOR Subpoena for
Production of Documentary
Evidence (Books, Papers,
Documents)**

Case Numbers
GS 925767

State of Tennessee, County of Davidson vs.
[Plaintiff's Name]

James Patrick Kenton
[Defendant]

Subpoena for Production of Documentary Evidence (Books, Papers, Documents, etc.) – to produce and permit inspection, copying, testing, or sampling of the following designated books, papers, documents, electronically stored information, or tangible things: Subpoena Addendum SUBPOENA ADDENDUM FOR Subpoena for Production of Documentary Evidence (Books, Papers, Documents)
_____ and to swear or affirm that the things produced are authentic to the best of your knowledge, information, and belief, and to state whether all responsive things have been produced, pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; the subpoenaed items must be produced at 1137 GreenLea Blvd, B29, Gallatin, TN 37066 on or before November 13, 2020 at 5:00 p.m.;

The Complainant, Roger J. Stephens shall provide documents as follows.

1. Copies of all correspondence by certified mail to Tennessee Metal Roofing Inc. or James Patrick Kenton specifically dated May 2, 2020.
2. Receipts regardless of form (cash, credit card, check, debit card) verifying payment o to the United States Postal Service any fee for certified mail sent to Tennessee Metal Roofing Inc. or James Patrick Kenton specifically dated May 2, 2020.
3. All contracts and agreements regardless of form and method of contract for work at your home at 2505 Pulley Rd., Nashville Tennessee 37214, with Tennessee Metal Roofing Inc. or bearing a signature by James Patrick Kenton.
4. A front and back copy of any check issued to and cashed by Tennessee Metal Roofing Inc. or James Patrick Kenton for specifically \$1,190.00 (one thousand one hundred ninety and 00/100 dollars).
5. Copies of your telephone bill evidencing that you “attempted to contract a representative numerous times and could not reach anyone” with respect to Tennessee Metal Roofing Inc.
6. Any document without limitation bearing the name James Patrick Kenton in regards to placing a roof on your home.
7. The front and back of check number 02289, account number 11243144, routing number 064103529, in the name of Karen D. Stephens and Roger J. Stephens 2505 Pulley Rd, Nashville, Tennessee 37214 drawn on Wilson Bank Trust.
8. All agreements between Roger Stephens or Roger Stephens Heating and Air Conditioning with any member of the Metropolitan Nashville Police Department without limitation.
9. All written correspondence with the Metropolitan Nashville Police Department without limitation.
10. All correspondence without limitation with members of an association that refer to themselves as the “tribe” regarding James P atrick Kenton including but not limited to:
Carole MacCollum, Wells, ME
Maryellen Kenton, Wilmington, NC
Michelle Prescott, South Portland, ME
Marcus Scott, Nashua, NH and N. Andover, MA

EXHIBIT J

IN THE GENERAL SESSIONS COURT, CRIMINAL DIVISION, FOR DAVIDSON
COUNTY, TENNESSEE

STATE OF TENNESSEE)

against)

JAMES PATRICK KENTON)

Case No. GS 925767

**AMENDED OPPOSITION TO MOTION TO QUASH SUBPOENAS AND
STRIKE DEFENDANT'S MOTION FOR CONTEMPT**

PRELIMINARY STATEMENT

The State's motion is frivolous and relying on case law from 1980 presumes the rules of the Tennessee General Sessions Court overrule the findings of the United States Supreme Court and the Tennessee Court of Criminal Appeals. The State does not have standing to act on behalf of any third party upon whom a subpoena was issued, ignored, and subsequently served with a Motion for Contempt.

Moreover, the State's Motion to Quash was filed on February 4, 2021 (postmarked February 5, 2021) several months after the subpoena was issued to the third party on or about October 26, 2020. Exhibit A. The State in its motion claims a Subpoena Duces Tecum was issued on the 29th day of January 2021 sixteen days after Defendant's Motion for Contempt was presented to the Court on January 13, 2021 to a third party bank that the State does not represent, nor has standing to represent. See *Motion to Quash Subpoenas and Strike Defendant's Motion for Contempt* ¶¶ 1 and 2.

Moreover, the State claims that Defendant sought the third party's financial records, which is a deception presented to this Court. The subpoena specifically seeks: "The front and back of check number 02289, account number 11243144, routing number 064103529, in the name of Karen D. Stephens and Roger J. Stephens 2505 Pulley Rd. Nashville, Tennessee 37214 drawn on Wilson Bank Trust." Defendant is in possession of a copy of the front of the check and the only need is for the back. That check is neither a financial statement nor an actual bank record. The subpoena further seeks "A front and back copy of any check issued to and cashed by Tennessee Metal Roofing Inc. or James Patrick Kenton for specifically \$1,190.00 (one thousand one hundred ninety and 00/100 dollars)", which is the amount sworn to twice by Detective Thorowgood in the alleged arrest warrant as the amount that gave rise to the arrest of Mr. Kenton. However, the State's attorney, Mr. Thorowgood, and Mr. Stephen's all have full knowledge that the Detective's statement was perjured whereas no such check for \$1190.00 exists or has ever existed. The singular document request requested by the Defendant was consistent with the three part test in United States v. Nixon, 418 U.S. 683 (1974).

That on October 9, 2020, in open court, Judge Dianne Turner of the Davidson County General Sessions Court in front of news cameras from local broadcast news Channel 4 WSMV and a partially full courtroom specifically granted permission to Defendant's counsel for Defendant to issue subpoenas without designating any limitations or restrictions. Defendant's counsel was first denied any discovery by Judge Turner and subsequently counsel asked if there any problems with issuing subpoenas. The issuance of subpoenas was granted by Judge Turner. An Assistant District Attorney was present and there were no objections raised.

ARGUMENT

I. THE STATE'S ATTORNEY IS WITHOUT STANDING TO REPRESENT ANY THIRD PARTY TO WHICH ANY SUBPOENA WAS ISSUED OR FOR A

**SUBSEQUENT MOTION FOR CONTEMPT AS DETERMINED BY THE
UNITED STATES SUPREME COURT AND COURT OF CRIMINAL
APPEALS OF TENNESSEE**

1. The State, because of its unique position as “the representative not of an ordinary party to a controversy” but of the people of the State of Tennessee, see Berger v. United States, 295 U.S. 78 88 (1935), will lack standing in a criminal case “to challenge a subpoena issued to a third party because of the absence of a claim of privilege, or the absence of a proprietary interest in the subpoenaed material or of some other interest in the subpoenaed documents.” United States v. Beckford, 964 F. Supp. 1010, 1023 (E.D. Va. 1997). See State of Tennessee v. Alexander Johnson and Michael F. Williams, E2015-02486-CCA-R9-CD (Tenn. Crim. App. 2017) Court of Criminal Appeals of Tennessee.
2. No such allegations of privilege or proprietary information exist or has been raised by the State.

**II. THE ISSUANCE OF A SUBPOENA IS NOT DISCOVERY AS DETERMINED BY
THE UNITED STATES SUPREME COURT AND COURT OF CRIMINAL APPEALS
OF TENNESSEE**

3. “The Supreme Court has “recognized” that “the subpoena duces tecum” provided for in the federal counterpart to Rule 17 “was not intended to provide a means of discovery for criminal cases” and that “its chief innovation was to expedite the trial by providing a time and place before trial for the inspection of subpoenaed materials.”¹³ Nixon, 418 U.S. at 698-99 (citing Bowman Dairy Co., 341 U.S. at 220). Importantly, “[a] subpoena for documents may be quashed if their production would be ‘unreasonable or oppressive,’ but not otherwise.” Id. at 68. App. 1997) (citing State v. Gilliam, 901 S.W.2d 385, 389 (Tenn. Crim. App. 1995); State v. Mario Pendergrass, No. 01C01-9504-CR-00121, 1997

WL 83777 (Tenn. Crim. App., Nashville, Feb. 28, 1997)); see also State v. Griffis, 964 S.W.2d 577, 598 (Tenn. Crim.App. 1997) ("The district attorney general is a 'quasi-judicial officer,' who represents the state in criminal prosecutions. However, it is as much the district attorney general's responsibility to enforce the laws as it is to see the accused receives a fair and impartial trial."). Thus, the prosecutor "is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer." Berger, 295 U.S. at 88 recourse when a party fails to comply with a subpoena, absent some showing of an adequate excuse for failure to comply, is a motion for contempt, see Tenn. R. Crim. P. 17(g) ("When a subpoena is served on a person, the court issuing the subpoena may deem the person's refusal to obey the subpoena to be contempt of court unless the person has an adequate excuse."); see, e.g., Blair, 250 U.S. at 282." State of Tennessee v. Alexander Johnson and Michael F. Williams, E2015-02486-CCA-R9-CD (Tenn. Crim. App. 2017) Court of Criminal Appeals of Tennessee.

II. THE STATE'S MOTION TO QUASH ANY SUBPOENAS AND STRIKE DEFENDANT'S MOTION FOR CONTEMPT IS UNTIMELY

4. Although Rule 17 is silent, its civil counterpart T.R.C.P. Rule 45.07 and Rule 45 in general provides for 21 days for a response to a subpoena as follows: "(1) A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a non-party witness subject to the subpoena and shall provide the non-party witness at least twenty-one (21) days after service of the subpoena to respond, absent agreement of the non-party witness or a court order."

5. The subpoena to Mr. Stephens was issued on or about October 26, 2020. Exhibit A
6. By admission of the State and the filing stamp on the motion the current Motion to Quash was not raised until February 4, 2021 and postmarked February 5, 2021.
7. The State's Motion to Quash was issued on February 4, 2021 several months (specifically 101 days) after the subpoena was issued to the third party on or about October 26, 2020 and by no stretch of the imagination within twenty-one days of issuance. Exhibit A.
8. The State in its Motion claims a Subpoena Duces Tecum was issued on the 29th day of January 2021 to a third party bank January 2021 sixteen days after Defendant's Motion for Contempt was presented to the Court on January 13, 2021. That has nothing whatsoever to do with the Subpoena issued to Mr. Stephens and the Prosecutor's untimely motions. Again, as previously addressed, the State is without standing. See *Motion to Quash Subpoenas and Strike Defendant's Motion for Contempt* ¶¶ 1 and 2.

III. A PRELIMINARY HEARING IS NOT REQUIRED IN THIS CASE DESPITE THE COURT DOCKET DESIGNATING AS SCHEDULED FOR A TRIAL ON AUGUST 12, 2021 AND THE STATE HAS *PRIMA FACIE* EVIDENCE OF FALSE ARREST OF WHICH THE PROSECUTOR HAS BEEN PLACED ON NOTICE.

9. "The State, because of its unique position as "the representative not of an ordinary party to a controversy" but of the people of the State of Tennessee, see Berger v. United States, 295 U.S. 78 88 (1935), will lack standing in a criminal case "to challenge a subpoena

issued to a third party because of the absence of a claim of privilege, or the absence of a proprietary interest in the subpoenaed material or of some other interest in the subpoenaed documents.” United States v. Beckford, 964 F. Supp. 1010, 1023 (E.D. Va. 1997).” State of Tennessee v. Alexander Johnson and Michael F. Williams, E2015-02486-CCA-R9-CD (Tenn. Crim. App. 2017) Court of Criminal Appeals of Tennessee.

10. With the voluntary assistance provided by the Tennessee Secretary of State we find and knew that it is impossible for the prosecutor to establish all the elements required to prosecute Mr. Kenton (an independent contractor, not an owner, shareholder, employee, or officer despite the perjured Arrest Warrant by Mr. Thorowgood) or any unnamed corporate business entity pursuant to *TN Code § 39-14-154*. There was no crime and even assuming *arguendo* there was a theoretical crime, the elements of the statute could not possibly be present. I will not even waste your time with the federal and Fair Trade Commission three day pre-emption issues, applicable Tennessee contract statutes including *T.C.A. 47-50-112 Contracts To Be Enforced As Written*, and the *Constitution of the United States, article first, section tenth*, that declares that no State shall pass a law impairing the obligations of contract. Did anyone even read the contract? I provided a copy to Detective Thorowgood on or about July 9, 2020 and on July 14, 2020 at 3:02 in the afternoon Defendant’s attorney delivered the following documents:

Stephens Contract TN Metal.jpg; Contract Page 2.jpg; Stephens Demand letter.doc;
Stephens Check.jpg; TN Metal Roofing Inc. Secretary os State.pdf

Did anyone review these documents I provided Mr. Thorowgood a month before the arrest including a copy of the contract with the incorporated entity and the verification by

the State of Tennessee of its corporate status **EXHIBIT B**, and a demand letter sent to Mr. Stephens seeking payment or allowing the entity to complete the work on his contract? **EXHIBIT C**. Even with a cursory review, it would be obvious this prosecution to be frivolous, criminal, and an inane attempt for Mr. Stephens to avoid civil liability to a corporation in which he defaulted on a contract. Mr. Kenton has never met or spoken with Mr. Stephens. This also begs the questions of a Detective's fitness to hold the job or if there was consideration given to Detective Thorowgood by Mr. Stephens to help him circumvent a valid contract. This is a matter for the District Attorney's office to investigate.

11. The only issues in this case are the criminal acts by Detective Thorowgood and Mr. Stephens in addition to Detective Thorowgood seeking his fifteen minutes of fame on television. There are no issues concerning the Defendant who has been perpetually defamed and harassed by Detective Thorowgood whose publicity, life interference, and defamatory statements made on television were apparently to disrupt and usurp the authority of this Honorable Court. It appears Detective Thorowgood thinks a television station has greater legal authority than this Court.


12. In open Court on October 9, 2020 defendant was not offered a pre-trial waiver as to allow this matter to be bound over to the Grand Jury. Although a preliminary hearing is not constitutionally required in criminal cases, it is a critical stage of a criminal prosecution. See Moore v. State, 578 S.W.2d 78, 80 (Tenn. 1979); Waugh v. State, 564 S.W.2d 654, 659 (Tenn. 1978)); see also State v. Willoughby, 594 S.W.2d 388, 390 (Tenn. 1980)

(citing McKeldin v. State, 516 S.W.2d 82 (Tenn. 1974)). "The primary purpose of a preliminary hearing is to determine whether there is probable cause to believe that a defendant committed the charged offense and fix the amount of bail required where appropriate and permissible. See Willoughby, 594 S.W.2d at 390 (citing Tenn. R. Crim. P. 5.1; State v. D'Anna, 506 S.W.2d 200, 203 (Tenn. Crim. App. 1973)). Put another way, its purpose is to determine whether a defendant should be bound over to the grand jury and "whether there is evidence sufficient to justify the continued detention of the defendant." *Id.* (quoting Waugh, 564 S.W.2d at 659). As our supreme court has observed, Tennessee courts have not held that a preliminary hearing is a discovery device. *Id.* Rather, discovery is "an important byproduct of its probable cause function." *Id.* (quoting the comment to Rule 5.1). Preliminary hearings embody discovery aspects simply because they are not final hearings, and therefore "every question asked on cross-examination by either side, and every witness called and examined by either side, results in discovery." *Id.* To that end, the "purpose of Rule 5.1(a) is to notify and make available to a defendant or defense counsel the evidence introduced at the preliminary hearing by preserving an 'electronic recording or its equivalent.'" Graves, 126 S.W.3d at 876 (quoting Tenn. R. Crim. P. 5.1(a) (2005))." Citation omitted. There is no reason for this frivolous prosecution to continue because the statements regarding the defendant are simply false. However, there is probable cause for the arrest of both Detective Thorowgood and Mr. Stephens that is supported by documentary evidence that also proves Defendant's innocence. The only question is if this Honorable Court will allow this farce to continue.

WHEREFORE, PREMISES CONSIDERED, DEFENDANT PRAYS:

1. That Defendant's Motion to Quash Subpoenas and Strike Defendant's Motion for Contempt be dismissed as frivolous.
2. That the actions against the Defendant by the State be dismissed based upon false arrest and the wrongdoings of the District Attorney, the complainant Mr. Stephens, and the criminal wrongdoings of Detective Thorowgood.
3. That the Defendant be awarded attorneys' fees, costs and disbursements in restitution or by statute for defending the current motion.
4. That Defendant be awarded such other further and general relief to which defendant may prove entitled to by this Court including but not limited to those items prayed for herein.

Respectfully submitted,



Joe Calvert, BPR# 024259
Calvert & Associates
1137 GreenLea Blvd., B29
Gallatin, Tennessee 37066
Telephone: 1-877-225-8378
In Tennessee: 615-989-7929
mr.calvert@attorneys-
counselors.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing AMENDED OPPOSITION TO MOTION TO QUASH SUBPOENAS AND STRIKE DEFENDANT'S MOTION FOR CONTEMPT has been mailed to Chadwick W. Jackson, Assistant District Attorney Economic Crimes Unit, Washington Square, Suite 500, 222 Second Avenue North, Nashville, Tennessee 37204 postage prepaid by First-Class Mail within the State of Tennessee, on this 19th day of February, 2021.

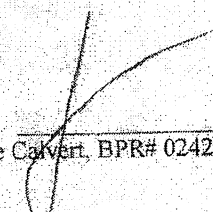

Joe Calvert, BPR# 024259

EXHIBIT K

EXHIBIT L

Mr. Calvert

From: Mr. Calvert <mr.calvert@attorneys-counselors.com>
Sent: Tuesday, July 14, 2020 3:02 PM
To: williamthorowgood@nashville.gov
Subject: From Joe Calvert Regarding Compliant 2020-0383915
Attachments: Stephens Contract TN Metal.jpg; Contract Page 2.jpg; Stephens Demand Letter.doc; Stephens Check.jpg; TN Metal Roofing Inc. Secretary os State.pdf

Thank you for your assistance.

Joe Calvert, Founder
Calvert & Calvert, Attorneys and Counselors at Law
Main: 1-877-CALVERT
Writer's Direct: 1-877-363-9749
Facsimile: 1-800-493-8951
Electronic mail: mr.calvert@attorneys-counselors.com
Website: www.attorneys-counselors.com

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CALVERT & ASSOCIATES
ATTORNEYS AND COUNSELORS AT LAW

521 FIFTH AVENUE, NEW YORK, NEW YORK 10175
315 DEADERICK STREET, NASHVILLE, TENNESSEE 37238 (CLOSED)
1137 GREENLEA BLVD, B29, GALLATIN, TENNESSEE 37066
428 CAMDEN DRIVE, BEVERLY HILLS, CALIFORNIA 90210 (COMMERCIAL ARBITRATION)

TOLL FREE TELEPHONE: 1-877-CALVERT
TENNESSEE TELEPHONE: 615-989-7929

RECEIVED

June 30, 2022

JUL 01 2022

Tennessee Claims Commission
Clerk's Office

By First-Class Mail

Paula Merrifield, Clerk
Tennessee Claims Commission
Andrew Jackson Building, 13th Floor
502 Deadrick Street
Nashville, Tennessee 37243-0207

Re: James Kenton against The State of Tennessee: Claim No. 0546-GL-21-0300338-01

Dear Commissioner:

We enclose an Amended Complaint in the above-referenced action. Thank you for your assistance.

Very truly yours,

s/

Joe Calvert
Attorney for Plaintiff
BPR# 024259
RB/jc

Cc. Hollie R. Parish, Esq.

PRESS FIRMLY TO SEAL



Expected delivery date specification for domestic shipments in the United States. Tracking® included for insured international insurance. Not used internationally, and does not cover certain international Mail Manual at <http://ps.us>

FLAT RATE ENVELOPE
FLAT RATE ENVELOPE
FLAT RATE ENVELOPE

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PS00001000014

EP14F May 2020
OD: 12 1/2 x 9 1/2

USPS.COM/PICKUP



Retail



US POSTAGE PAID

\$8.95

Origin: 37066
06/30/22
4734320066-03

PRIORITY MAIL 1-DAY®

0 Lb 15.60 Oz
1006

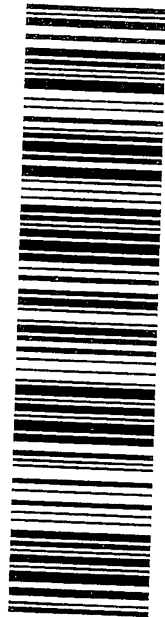
EXPECTED DELIVERY DAY: 07/01/22

SHIP TO:



NASHVILLE TN 37243

USPS TRACKING® #



9505 5145 2077 2181 9007 79



Label 228, March 2016 FOR DOMESTIC AND INTERNATIONAL USE

PRIORITY MAIL
FLAT RATE ENVELOPE
POSTAGE REQUIRED

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PRIORITY MAIL



VISIT US AT USPS.COM
ORDER FREE SUPPLIES ONLINE

FROM:

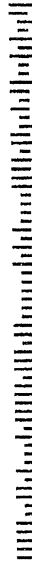
RECEIVED

JUL 01 2022

Calvert & Associates
Attorneys and Counselors at Law
1137 GreenLea Blvd, B29
Gallatin, Tennessee 37066

Tennessee Claims Commission
Clerk's Office

TO:



Tennessee Claims Commission
Andrew Jackson Building, 13th Floor
502 Deadrick Street
Nashville, Tennessee 37243-0207

RECEIVED
JULY 14, 2022 13:33

FILED
JULY 14, 2022 13:49

**IN THE TENNESSEE CLAIMS COMMISSION
MIDDLE DIVISION**

JAMES KENTON,)	
)	
Claimant,)	
)	Claim No.
vs.)	0546-GL-21-0300338-001
)	
STATE OF TENNESSEE)	Regular Docket
)	
Defendant.)	

**STATE OF TENNESSEE’S ANSWER TO PLAINTIFF JAMES KENTON’S AMENDED
COMPLAINT**

Defendant, the State of Tennessee, files its Answer to the Plaintiff James Kenton’s Amended Complaint as follows:

1. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph.
2. Admitted.
1. Denied.¹
2. Denied. Tenn. Code Ann. § 9-8-307 states that claims filed against the State “shall operate as a waiver of any cause of action, based on the same act or omission, which the claimant has against any state officer or employee.” The waiver is void if the commission determines that the act or omission was not within the scope of the officer's or employee's office or employment. *Id.*

¹ Claimant appears to have misnumbered Paragraph 3 and Paragraph 4 of the Amended Complaint as “Paragraph 1” and “Paragraph 2.” Given the length of Plaintiff’s 184-paragraph Amended Complaint and the confusion that may arise from re-numbering the entire document, the undersigned counsel for the State has adopted the original numbering of the Amended Complaint.

3. Through 13. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied.

14. Denied.

15. Through 19. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

20. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this Paragraph. To the extent a response is required, denied.

21. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this Paragraph. To the extent a response is required, denied.

22. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this Paragraph. To the extent a response is required, denied.

23. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this Paragraph. To the extent a response is required, denied.

24. Through 26. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this Paragraph. To the extent a response is required, denied.

27. Denied as to District Attorney Chadwick Jackson (“D.A. Jackson”). Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations of this Paragraph. To the extent a response is required, denied.

28. Through 48. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. These paragraphs are not addressed to the State. To the extent a response is required, denied. Documents referred to in these paragraphs speak for themselves.

49. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied.

50. Through 52 Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. These paragraphs are not addressed to the State. To the extent a response is required, denied.

53. Denied as to D.A. Jackson. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

54. Through 61. . Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied. Documents referred to in these paragraphs speak for themselves.

62. Denied.

63. Denied as to D.A. Jackson. Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in this paragraph. To the extent a response is required, denied.

64. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied. Documents referred to in these paragraphs speak for themselves.

65. Denied.

66. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph.

67. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. This paragraph is not addressed to the State. To the extent a response is required, denied.

68. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

69. Through 71. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. This paragraph is not addressed to the State. To the extent a response is required, denied.

72. Denied.

73. Paragraph 73 claims an unidentified prosecutor failed to discuss pre-trial or “issue[s]” with an unidentified third party at an unidentified time, which comprised a failure of the “rules of court.” The State cannot respond to such vaguely worded allegations. To the extent that a response is required, denied.

74. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied.

75 – 81. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. These paragraphs are not addressed to the State. To the extent a response is required, denied.

82. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

83 – 88. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. These paragraphs are not addressed to the State. To the extent a response is required, denied.

89. Denied as to any allegations regarding the “District Attorney.” Otherwise, Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph as these allegations are not directed to the State. To the extent a response is

required, denied.

90 – 100. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied.

101. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied. Plaintiff specifically denies any implication that D.A. Jackson improperly or illegally aided in providing an illegal seizure warrant to Metro Nashville Police Officer William Thorowgood.

102. Denied that D.A. Jackson's "actions" were "unwarranted." Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in these paragraphs. To the extent a response is required, denied.

103 – 107. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. These paragraphs are not addressed to the State. To the extent a response is required, denied.

108. Denied as to D.A. Jackson. Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in these paragraphs. To the extent a response is required, denied.

109 – 112. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. These paragraphs are not addressed to the State. To the extent a response is required, denied.

113. Denied.

114. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. Further, it is unclear whether this paragraph is addressed to the State. To the extent a response is required, denied.

115. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

116. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. This paragraph is not addressed to the State. To the extent a response is required, denied.

117. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

118. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. This paragraph is not addressed to the State. To the extent a response is required, denied.

119. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. This paragraph is not addressed to the State. To the extent a response is required, denied.

120. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

121. Denied as to D.A. Jackson. Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in this paragraph. To the extent a response is required, denied.

122. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

123. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. This paragraph is not addressed to the State. To the extent a response is required, denied.

124. Any implication that D.A. Jackson aided in “falsely charging” Plaintiff with “criminal activity” and in generating “sensationalized fake news” is denied. Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

To the extent a response is required, denied.

125. – 127. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. These paragraphs are not addressed to the State. To the extent a response is required, denied.

128. Denied as to all allegations regarding the “State and its employees.” Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in this paragraph as these allegations do not appear to be addressed to the State.

129. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. This paragraph is not addressed to the State. To the extent a response is required, denied.

130. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, denied.

131. – 134. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. These paragraphs are not addressed to the State. To the extent a response is required, denied.

135. Denied as to D.A. Jackson. Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in these paragraphs. The remaining allegations are not addressed to the State. To the extent a response is required, denied.

136. The State cannot respond to this allegation because it is too vaguely worded. Plaintiff states that “upon information and belief certain disclosures were in violation of Federal Statutes,” but does not identify the nature of these disclosures or the person or persons who made the disclosures. To the extent a response is required, denied.

137. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. These paragraphs are not addressed to the State. To the extent a response is required, denied.

138. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied.

139. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied.

140. Defendant lacks sufficient knowledge or information sufficient to admit or deny the allegations in these paragraphs. To the extent a response is required, denied.

“FIRST CAUSE OF ACTION: COUNT 1”

DEFAMATION

141. – 150. Denied as to D.A. Jackson. To the extent that the allegations in these paragraphs are addressed to individuals other than D.A. Jackson or individuals who are not State employees, Defendant lacks sufficient knowledge or information to admit or deny the allegations. To the extent a response is required, denied.

151. Denied.

“SECOND CAUSE OF ACTION: COUNT 2”

FALSE LIGHT INVASION OF PROPERTY

152. – 158. Denied as to D.A. Jackson. To the extent that the allegations in these paragraphs are addressed to individuals other than D.A. Jackson or individuals who are not State employees, Defendant lacks sufficient knowledge or information to admit or deny the allegations.

159. Denied.

“THIRD CAUSE OF ACTION: COUNT 3”

NEGLIGENCE

160. This paragraph is not addressed to the State.

161. Denied.

162. Admitted that D.A. Jackson is a State employee. Denied that William Thorowgood is a State employee.

163. Denied as to D.A. Jackson. The remaining allegations in this paragraph are not addressed to the State. Defendant lacks sufficient knowledge or information sufficient to admit or deny the remaining allegations in this paragraph. To the extent a response is required, denied.

164. Denied.

165. Denied.

166. Denied.

167. Denied.

“FOURTH CAUSE OF ACTION: COUNT 4”

CIVIL CONSPIRACY

168. This paragraph is not addressed to the State.

169. Denied.

170. Denied.

171. Denied.

“FIFTH CAUSE OF ACTION: COUNT 5”

NEGLIGENCE

172. This paragraph is not addressed to the State.

173. Denied.

174. Denied.

175. Denied.

“SIXTH CAUSE OF ACTION: COUNT 6”

GROSS NEGLIGENCE

176. This paragraph is not addressed to the State.

177. Denied.

178. Denied.

179. Denied.

“SEVENTH CAUSE OF ACTION: COUNT 7”

FALSE IMPRISONMENT

180. This paragraph is not addressed to the State.

181. Denied.

182. Denied.

183. Denied.

184. Denied.

The State denies that Plaintiff is entitled to any of the relief requested in the paragraph titled “Prayer for Relief.”

AFFIRMATIVE DEFENSES AND DEFENSES

1. Any allegations not already admitted or denied are denied.
2. The State avers that no State employee caused Claimant's alleged injuries.
3. If the State is found negligent, it is liable for actual damages only. Tenn. Code Ann. § 9-8-307(e).
4. If the Defendant is found negligent, Defendant cannot be held liable for damages exceeding \$300,000. Tenn. Code Ann. § 9-8-307(e).
5. To the extent that Claimant bases his claim for defamation and false light invasion of privacy on allegations that the State committed slander or oral defamation, these claims are barred by the statute of limitations. Claimant alleges he was defamed on or around October 9, 2020, but did not file notice of this action with the Division of Claims and Risk until October 8, 2021. Tennessee Code Annotated § 28-3-103 states that the statute of limitations for slander is six months. Accordingly, any claims for slander or oral defamation are barred.
6. The Complaint includes allegations of intentional torts, such as civil conspiracy and false imprisonment. Additionally, most of the allegations in the Complaint are addressed to non-State employees. The Commission lacks subject matter jurisdiction pursuant to Tenn. Code Ann. § 9-8-307 over these claims for intentional torts or wrongdoing by non-State employees.
7. The Complaint fails to state a claim upon which relief can be granted.
8. Defendant does not waive any affirmative defenses that may be revealed during the course of discovery in this matter.

Wherefore, having fully answered the Complaint, Defendant State of Tennessee seeks the

following relief from the Commission:

1. That Claimant recovers nothing from Defendant State of Tennessee;
2. That this Complaint be dismissed with prejudice; and
3. Such further relief that the Commission deems appropriate.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

/S/ Hollie R. Parrish
HOLLIE R. PARRISH, BPR 037888
Assistant Attorney General
Civil Law Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 741-8086
Hollie.Parrish@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that, on July 14, 2022, a true and correct copy of the foregoing was served U.S. Mail, postage prepaid, upon the following:

Commissioner James A. Haltom
P.O. Box 190673
Nashville, TN 37219

Joe Calvert, BPR # 024259
Attorney for Claimant
Calvert & Associates
1137 Greenlea Blvd., B29
Gallatin, Tennessee 37066

/s Hollie R. Parrish

HOLLIE PARRISH
Assistant Attorney General

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

RECEIVED

JAMES KENTON

Claimant,

-- against --

STATE OF TENNESSEE

Defendant.

SEP 13 2022

Tennessee Claims Commission
Clerk's Office

Claim No. 0546-GL-21-0300338-01

FILED

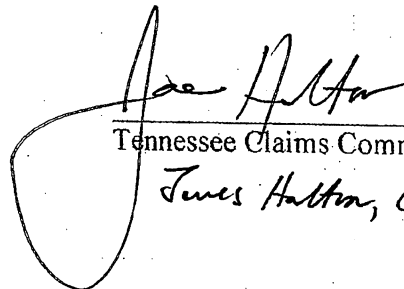
SEP 28 2022

Regular Docket

Tennessee Claims Commission
Clerk's Office

~~Proposed~~ ^{9/21/22} AGREED ORDER OF SUBSTITUTION OF COUNSEL

It appearing to the Court, as evidenced by the signatures of counsel below, that Plaintiff James Kenton, desires to appear *pro se* in the above-captioned action, and to be substituted as counsel of record for James Kenton. in place of Calvert & Associates, Joe Calvert, it is therefore ORDERED that James Kenton is hereby substituted as Plaintiff, *pro se*, of record for James Kenton, in place of Calvert & Associates, Joe Calvert.

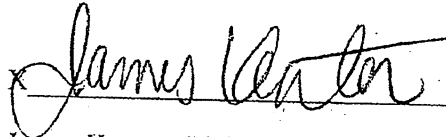

Tennessee Claims Commissioner
James Halton, Commissioner

Date: September 7, 2022

J

x _____

Joe Calvert, BPR # 024259
Calvert & Associates
1137 GreenLea Blvd., B29
Gallatin, Tennessee 37066
Telephone: 615-989-7929
Toll-Free: 1-877-CALVERT
E-Mail: mr.calvert@attorneys-counselors.com



James Kenton, Plaintiff *pro se*
71 Meridian Drive
Garner, North Carolina 27529
Tel: 843-870-3219
E-Mail: jimkenton24@gmail.com

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

Hollie R. Parrish
Attorney General's Office
P.O. Box 20207
Nashville, TN 37202

Joe Calvert
1137 Greenlea Blvd., #B29
Gallatin, TN 37066

James P. Kenton, *pro se*
71 Meridian Drive
Garner, NC 27529

This 27th day of September, 2022.

CLPH
Tennessee Claims Commission
Middle Division