

Filed
By Paula Merrifield at 4:01 pm, Oct 11, 2021

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE

_____James Kentom_____ Claimant,
V.)
STATE OF TENNESSEE) CLAIM NO: _ 0546-GL-21-0300338-001 _
Defendant)

NOTICE OF TRANSFER FROM
DIVISION OF CLAIMS ADMINISTRATION

This is a notice that the Division of Claims and Risk Management has been unable to act on your claim within ninety (90) days and is transferring your claim to the Claims Commission pursuant to Tennessee Code Annotated, Section 9-8-402(c).

_____Megan Crowell_____
Administrative Assistant

DATE: _____October 11, 2021_____

cc: Attorney General's Office/UT General Counsel

James Kentom/ Joe Calvert

Claim Number	0546-GL-21-0300338-001	Origami Claim Status	Open
Original Claim Number		Entry Date & Time	10/8/2021 7:16 AM Central
Occurrence Number	00000605727460	Entry Method	CorVel
		CorVel Export Date	

▼ Status & Examiner

Claim Adjuster Name	Allison Elliott	Supervisor Decision	
Claim Adjuster Phone	(615) 724-1950	Resolution Type	Normal

▼ Claimant Information

Claimant Type	Individual		
First Name	James	Last Name	Kentom
Middle Name or Initial	P	Suffix	
Street1	1137 GreenLea Blvd	State	Tennessee
Street2		Postal Code	37066
City	Gallatin	Email Address	
Primary Phone	877-225-8378		

▼ Claim Filer Details

Claim Filer Type	Attorney
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Loss and Tort Type Details

Incident / Event Date	10/08/2020	Loss Type	Bodily Injury Not Resulting in Death
Incident / Event Time		Cause	Other
Initial Claim Requested Amount			
Was the injury or property damage caused by a vehicle?			
Type of Tort			

Description of the incident / event, including what occurred immediately before and after	Description of the injury or property damage directly resulting from this incident / event	Claimant is alleging damages/injuries incurred by the Insured stemming from a false arrest, among other allegations
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▼ Loss Location

Street1		Street2	
City		State	Tennessee
County	Unknown	Address Latitude	
Department or Agency Specified by Filer		Address Longitude	
Department / Agency	TORT-49-30405 - District Attorney	Location Detail Description	

ImageNow Anchor	Claimant	Claim Number
ImageNow Anchor	Kentom, James	0546-GL-21-0300338-001

Current Financials

	Reserve	Paid	Outstanding	Incurred
+ Prop Damage	0.00	0.00	0.00	0.00
+ Bodily Injury	2,400.00	0.00	2,400.00	2,400.00
+ Death	0.00	0.00	0.00	0.00
+ Expense	100.00	0.00	100.00	100.00
- Refund	0.00	0.00	0.00	0.00
- Subrogation	0.00	0.00	0.00	0.00
	2,500.00	0.00	2,500.00	2,500.00

Transaction History

Date	Trans Type	Fin Type	Financial Category	Warrant #	Payee	Request / EMIF ID	Invoice/Request #	Service From	Service To	Claim Status	Payment Reserve
10/08/2021	Reserve	Bodily Injury	Bodily Injury Reserve								2,400.00
10/08/2021	Reserve	Expense	Expense Reserve								100.00
2 Records											2,500.00

RECEIVED

Oct 07 2021

Division of

Claims Administration

CLAIM FOR DAMAGES



STATE OF TENNESSEE
DIVISION OF CLAIMS ADMINISTRATION
9TH FLOOR, ANDREW JACKSON BUILDING
NASHVILLE, TENNESSEE 37243-0243
(615) 741-2734

IMPORTANT: All questions should be answered as completely as possible. Attach two (2) estimates of damages to this form. A copy of the investigating police officer's report should be included for any incidents involving motor vehicles.

Name: James Patrick Kentom c/o Calvert & Associates
Address: 1137 Greenlea Blvd, B29
Address: Gallatin, Tennessee 37066
Social Security No.
Phone: Home (615) 989-7929
Work (615) 228-318
Are you an employee of the State? no

DESCRIPTION OF INCIDENT

Date of Occurrence: 10/8/2020 Time: 9:30 A.M. A.M. P.M.
Location: Davidson General Sessions 5C State Agency Involved: Nashville Metropolitan Police Dept.

In what county did this incident occur: Davidson throughout State

Describe the Incident (use additional pages if necessary):
see attachment

Describe the Damages Incurred: see attachment

Total amount of damages requested: \$ 300,000

Witness(es) to the Incident: (if applicable)

Name: 30-40,000 television viewers Phone Number: ()

Name: Phone Number: ()

Name: Phone Number: ()

State Official Notified: (if applicable)

Title: Phone Number:

I certify that all the statements contained herein and on any attachments hereto are true and that the injuries and/or damages reported were actually incurred. I also acknowledge that it is a misdemeanor to file a false claim with the Division of Claims Administration.

Claimant's Signature

Date

10/6/21

CALVERT & ASSOCIATES

ATTORNEYS AND COUNSELORS AT LAW

57 FIFTH AVENUE, NEW YORK, NEW YORK 10018
346 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

October 6, 2021

By Facsimile and First-Class Mail

State of Tennessee
Division of Claims Administration
9th Floor Andrew Jackson Building
502 Deaderick Street
Nashville, Tennessee 37243-0243

Re: Claim for Damages for James Patrick Kenton

Dear Claims Administrator:

We represent our client James Patrick Kenton, whose criminal charges were dismissed on August 12, 2021. He had the misfortune of dealing with an out-of-control Detective William Decker Thorowgood (see Mr. Thorowgood's arrest and disciplinary history). On October 8, 2020 Mr. Thorowgood, in a conspiracy with Cressie Jackman of the local Channel 4 news, arranged for a camera crew to assist Ms. Jackman during a scheduled settlement conference. The presiding Judge allowed these actions to become a three-ring circus and we believe that a person Mike Haskins who was in his late seventies subsequently died because of the Detective's false accusations.

On August 21, 2020 without a properly executed warrant, our client Mr. Kenton was arrested for Home Improvement Fraud > \$ 1000< \$2500 for alleged damages of \$1,190.00. Detective Thorowgood committed nine incidents of perjury in the arrest warrant of our client that are proven false by documentary evidence. That upon information and belief Mr. Thorowgood obviously knew that counsel had figured out that the arrest of our client was either from receiving consideration from the complainant Roger Stephens who sought to avoid a lawsuit for breach of contract with the corporation for whom our client provided services as an independent contractor, or he was simply having a tantrum. Mr. Thorowgood repeatedly went on television on local Channel 4 and 5 making false statements about our client being the owner of some non-existent business entity when Mr. Kenton was *de facto* an independent contractor to a corporate entity that went out of business from Mr. Thorowgood's actions causing Mr. Kenton to lose his income. Now that the charge has been dismissed against Mr. Kenton, who was literally forced to relocate because of threats made to his person and the loss of his income resulting from Detective Thorowgood's actions he seeks the maximum damages for:

- False Arrest
- False Arrest Mittimus
- False Imprisonment
- Filing a false police report
- Negligence

October 7, 2021

- Malicious prosecution
- Conspiracy between a police officer and a private party
- Prosecutorial Fraud (no immunity for prosecutors since 2019 and Mr. Thorowgood designated himself as a "prosecutor")
- Failure to Provide Subpoena Notices including but not limited to 45-10-107, 45-10-106, 45-10-101 et seq.
- False light invasion of privacy.
- Defamation Per Se
- Intentional infliction of emotional distress.
- Prima facie tort.
- Negligence
- Tortious interference with business relationships.
- Negligent hiring and supervision by The State of Tennessee.
- Civil Rights violations by the Court and Assistant District Attorneys pursuant to 42 U.S.C. 1983.

Notice is hereby given within the Statute of limitations for lawsuits against the State of Tennessee. Should you require further detail, please do not hesitate to telephone.

Guide yourself accordingly.

Joe Calvert
 Attorney for Plaintiff
 BPR# 024259
 RB/jc

Cyp/D

slats/hole /sand/gloss mud, carpet, paint

teeth

stage clothes, suits

10/27/21 730/630

apply

harness/coat/nails/teeth/rabies 11 Saturday

engine, laminate paper

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
481 N. CAMDEN, BEVERLY HILLS, CALIFORNIA 90210 (COMMERCIAL ARBITRATION)

TOLL FREE: 1-877-CALVERT
TENNESSEE: 615-989-7920
FACSIMILE: 1-800-493-8951

FACSIMILE TRANSMISSION

TO: Tennessee Division of Claims Administration FACSIMILE NO: 615-532-4979
CC: FACSIMILE NO:
BCC: FACSIMILE NO:
RE: James Patrick Kenton
FROM: Joe Calvert, Managing Attorney
DATE: October 7, 2021

MESSAGE:

NUMBER OF PAGES, INCLUDING THIS COVER PAGE: 4

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information from Calvert & Associates, Attorneys and Counselors at Law that is confidential and/or legally privileged. This information is only for the above recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited, and that these documents should be returned to Calvert & Associates, Attorneys and Counselors at Law immediately. In this regard, if you have received this facsimile in error, please contact Calvert & Associates, Attorneys and Counselors at Law by telephone immediately so that we can arrange for the return of these documents at no cost to you. Thank you.

www.attorneys-counselors.com



ISO CLAIMSEARCH MATCH REPORT SUMMARY

A claim report identified by ClaimSearch identification number 21005672780 was received by ISO ClaimSearch on 10/07/2021. Submission of this claim report initiated a search for similar claims. The claim(s) listed below appear(s) to be similar to the claim submitted. Reasonable procedures have been adopted to maximize the accuracy of this report. Independent investigations should be performed to evaluate the relevant data provided.

If you have any questions concerning your report, please contact Customer Support at (800) 888-4476.

INITIATING CLAIM INFORMATION

Claim Number: 0546GL210300338 **Date of Loss:** 10/08/2020
Policy Number: SELFINSURED **ISO File Number:** 21005672780

SUMMARY FOR EACH SEARCHABLE PARTY

STATE OF TENNESSEE, INSURED

No matches for this party

JAMES KENTOM, BOTH CLAIMANT & INSURED

No matches for this party

Coverage: LIABILITY **Loss Type:** BODILY INJURY

ISO CLAIMSEARCH MATCH REPORT DETAILS

Initiating Claim

File Number: 21005672780

Company: H29300010
Claim Number: 0546GL210300338
Date/Time of Loss: 10/08/2020 00:00
Policy Number: SELFINSURED
Policy Type: COMMERCIAL GENERAL LIABILITY
ISO Received Date: 10/07/2021
Loss Description: CLAIMANT IS ALLEGING DAMAGES/INJURIES INCURRED ...
Location of Loss: TN

Involved Party:

INSURED

Business Name: STATE OF TENNESSEE
Address: 502 DEADERICK ST 15TH FL ANDREW JACKSON BUILDING

NASHVILLE, TN 37243

Involved Party:

BOTH CLAIMANT & INSURED

Name:

JAMES KENTOM

Address:

1137 GREENLEA BLVD

GALLATIN, TN 37066

Casualty Coverage Information:

Coverage Type:

LIABILITY

Loss Type:

BODILY INJURY

Adjuster Company:

CORVEL CORPORATION

Alleged Injury / Property Damage:

INSUFFICIENT INFORMATION

[back](#)



STATE OF TENNESSEE TREASURY DEPARTMENT
DIVISION OF CLAIMS AND RISK MANAGEMENT
502 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0202
615-741-2734 (phone) / 615-532-4979 (fax)

DAVID H. LILLARD, JR.
STATE TREASURER

RODNEY ESCOBAR
DIRECTOR

DATE: 10/08/2021

REVIEW:

NOTICE OF POTENTIAL LIABILITY

CLAIM NUMBER: 0546-GL-21-0300338-001

CLAIMANT: James Kentom

CLAIMANT TYPE: Individual

AGENCY / DEPARTMENT: STATE TN- DISTRICT ATTORNEYS GENERAL CONF-TORT

TYPE OF CLAIM: BI

AMOUNT REQUESTED: \$300,000.00

INCIDENT DATE: 10/08/2020

INCIDENT DESCRIPTION: Clmt's attorney alleges the court & District Attorneys violated his client's Civil Rights & he was wrongfully imprisoned.

DESCRIPTION OF INJURY / LOSS: Mental Distress

Director of Claims Administration

DATE: 10/08/2021

This is a notice that the Division of Claims Administration has received the above referenced claim. The dollar amount reported represents the value placed on the claim by the claimant. No investigation of this claim has been performed and; therefore, this notice should not be constituted as an admission of liability or degree thereof by the state.

FILED

NOV 03 2021

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 Docket
Defendant.)	

INITIAL ORDER GOVERNING PROCEEDINGS

This claim was filed with the Tennessee Claims Commission and was assigned to the Middle Division before the undersigned Commissioner.

I. These proceedings are governed by the *Tennessee Rules of Civil Procedure*, the *Tennessee Rules of Evidence*, and the *Rules of the Tennessee Claims Commission*.¹

II. All original documents submitted to the Commission (Court) for consideration must be filed on 8½ by 11 inch paper. The original document must be filed with the Clerk of the Claims Commission, with copies served upon the opposing party and the Commissioner by first-class mail. Do not send correspondence to the Commissioner's Office by registered or certified mail. All hand deliveries, unless otherwise instructed, are to be made to the Clerk's Office. The Clerk's mailing address is:

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

¹ A copy of the *Rules of the Tennessee Claims Commission* may be obtained at <https://treasury.tn.gov/Explore-Your-TN-Treasury/About-the-Treasury/Claims-Commission> or by calling the Clerk's Office at 615-741-0741.

III. A formal Complaint should be filed with the Clerk's Office and served upon all parties and the Commissioner within 30 days of transfer of a claim to the Commission.

IV. The parties shall submit a proposed Scheduling Order within 60 days of the filing of the State's Answer. If the parties are unable to agree to a Scheduling Order, each party may submit a proposed Scheduling Order, which shall include a certification that the party attempted in good faith to confer with the opposing party. A sample Scheduling Order is enclosed.

V. Discovery requests and responses, including deposition notices, interrogatories, and requests for documents or admissions, should not be filed with the Clerk's Office or served upon the Commissioner, unless necessary for the disposition of a motion. The Commission will not decide any motion related to discovery unless counsel or the *pro se* claimant certifies that the movant conferred with opposing party in good faith to resolve the discovery dispute. Motions to compel must state a summary of the information sought, the response given, and the reason why the response is inadequate.

VI. The Commission will normally decide dispositive motions on the written submissions, unless a party submits a written request for oral argument of the motion.

VII. Under Tenn. Code Ann. § 9-8-402(b), "[a]bsent prior written consent of the commission, it is mandatory that any claim filed with the claims commission upon which no action is taken by the claimant to advance the case to disposition within any one-year period of time be dismissed with prejudice."

IT IS SO ORDERED.

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

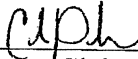
CERTIFICATE OF SERVICE

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 3rd day of November, 2021.



Tennessee Claims Commission
Middle Division

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

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

PROPOSED SCHEDULING ORDER

The Commissioner hereby **ORDERS** the following deadlines as follows:

1. All written discovery shall be served by _____.
2. Any motion to compel written discovery must be filed by _____.
3. The Parties shall identify all fact witnesses by _____.
4. The Parties shall complete discovery depositions by _____.
5. The Claimant shall disclose any expert witness to be called at trial and provide the information required pursuant to TRCP Rule 26.02(4) by _____.
6. The Defendant shall disclose any expert witness to be called at trial and provide the information required pursuant to TRCP Rule 26.02(4) by _____.
7. The deadline to file a dispositive motion is _____. A dispositive motion is limited to twenty-five (25) pages, responses to twenty (20) pages, and replies to ten (10) pages.
8. All pretrial motions (with the exception of motions *in limine* regarding the admissibility or exclusion of evidence) shall be filed at least 30 days prior to trial.
9. The parties shall file any pretrial briefs and depositions for proof 14 days prior to the trial of this matter.
10. All evidentiary motions *in limine* shall be filed at least 10 days before trial.

11. The parties shall contact the Commissioner's office to schedule a pretrial conference to be set approximately 10 days before trial.

12. The trial of this matter is estimated to last ____ days.

13. The Commissioner will set a trial date by a separate order.

IT IS SO ORDERED this the ____ day of _____, 2021.

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

EXAMPLE ORDER

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED

DEC 03 2021

Tennessee Claims Commission
Clerk's Office

JAMES KENTON

Claimant,

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

-- against --

STATE OF TENNESSEE

Defendant.

Regular Docket

COMPLAINT

COMES NOW the Claimant, JAMES KENTON, by and through counsel, and for his 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. § 20-13-102(a).

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 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 Plaintiff was an independent contractor.

18. That a roofer is defined as a person who builds or repairs roofs.¹

19. That Plaintiff is not a roofer.

20. That Plaintiff was not the incorporator. **Exhibit C.**

21. That Plaintiff was not a shareholder, officer, or director of Tennessee Metal Roofing Inc.

22. That Plaintiff as a matter of law did not have any personal liability for a third-party corporation.

23. That Plaintiff could not be an "owner" of a corporation as a matter of law.

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 law professor Stephen Bainbridge, meanwhile, says a corporation is merely a set of

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

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 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 unexecuted arrest Affidavit, and the subsequently executed arrest warrant, the alleged charges were based upon an "estimate" provided by a "Tennessee Metal Roofing Company". Exhibit
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, 45-10-11 and
49. That affiant Thorogood claimed the nonexistent account “was opened by James Kenton” which as a matter of law is impossible.
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.

54. That the arresting officers acted purposefully with the intent to confine the plaintiff without consent or authority.
55. That the threat or actions of the police actual created confinement
56. That the plaintiff 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 W. 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.
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 appeared before the Court openly admitting he did not have standing to represent Mr. Stephens in a Motion for Contempt.
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.
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 that so 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 Assistant District Attorney.

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.
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.

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.

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 and Mr. Thorogood 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 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 by WSMV and Mr. Thorogood.

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 voluminous 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.

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, 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.
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.
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.
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 and to date no action has been taken by the Court or the District Attorney's office.

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 or actions were made to persons other than Plaintiff, 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 Plaintiff 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. Complainant 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 Plaintiff and Plaintiff 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 Plaintiff was engaging in fraud and owned a non-existent business entity.
146. Complainant 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 Complainant that Defendant knew the statements were false.
147. Complainant 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 were actuated by actual malice in that the defendant knew that the libelous statements and matters contained therein concerning the plaintiff 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 Complainant 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 Complainant has been harassed and threatened by bodily injury resulting from the Defendant's actions.

151. That by reason of the foregoing, Complainant has been greatly injured and damaged, and, is entitled to compensatory and punitive damages against the Defendant, in the sum of \$100,000,000.00 (one hundred million and 00/100 dollars) or the maximum statutory award for claims against the State of Tennessee.

SECOND CAUSE OF ACTION: COUNT 2

TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIPS

152. Complainant 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. Defendant was aware of an existing or prospective business relationship with a specific third- party corporation.

154. Defendant had knowledge of that specific relationship and not mere awareness of the Complainant's dealing with others in general.

155. Defendant's manifested an intent to cause the breach or termination of the business relationship so that the Complainant could no longer provide independent contractor services to the corporation Tennessee Metal Roofing Inc. and its clients.

156. Defendant's invoked improper motive or improper means acting outside the color of law by falsely publishing that Complainant committed a crime and Complainant was the owner of a non-existent organization that Defendant designated as Tennessee Metal Roofing Company. **Exhibit A.**

157. Complainant sustained damages resulting from the tortious interference of the Defendant whereas Complainant was forced to no longer provide services to the corporation for whom he provided independent contractor services resulting from the public statements and publications of the Defendant.

158. As a direct, legal and proximate cause of the intentional, fraudulent, reckless and malicious acts of Defendant, the Complainant is entitled to an award of compensatory

and punitive damages in the amount of \$50,000,000.00 (fifty million and 00/100 dollars) or the maximum statutory award for claims against the State of Tennessee.

THIRD CAUSE OF ACTION; COUNT 3

FALSE LIGHT INVASION OF PROPERTY

159. Complainant 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.

160. Complainant claims that Defendant violated his right to privacy whereas:

161. That Defendant publicized information or material that showed Complainant in a false light;

162. That the false light created by the publication would be highly offensive to a reasonable person in Complainant's position;

163. That there is clear and convincing evidence that Defendant knew the publication would create a false impression about Complainant 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.

164. 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;

165. That Complainant sustained harm and;
166. That Defendant's conduct was a substantial factor in causing Complainant's harm and deserves compensatory and punitive damages of not fewer than \$150,000,000.00 (one hundred fifty million and 00/100 dollars) or the maximum statutory award for claims against the State of Tennessee.

FOURTH CAUSE OF ACTION; COUNT 4

NEGLIGENT HIRING, SUPERVISION, OR RETENTION OF EMPLOYEE

167. Complainant repeats the allegations contained in paragraphs one (1) through one-hundred-sixty-six (166) as though set forth verbatim herein without limitation and with full force and effect.
168. Complainant claims that he was harmed directly by William Thorogood as an employee of the Defendant and that Defendant is responsible for that harm because Defendant negligently hired, failed to supervise, or negligently supervised and retained William Thorogood as an employee.
169. That Defendant hired William Thorogood.
170. That William Thorogood was unfit, incompetent or improperly educated to perform the work for which he was hired.

171. That Defendant knew or should have known that William Thorogood was unfit or incompetent and that this unfitness or incompetence created a particular risk to others including the public-at-large, Complainant, and the Defendant itself.

172. That William Thorogood's unfitness or incompetence harmed Complainant; and;

173. That Defendant's negligence in hiring, supervising, or retaining William Thorogood was a substantial factor in causing Complainant's harm.

174. That Defendant's conduct was a substantial factor in causing Complainant'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.

FIFTH CAUSE OF ACTION: COUNT 5

PRIMA FACIE TORT

175. Complainant repeats the allegations contained in paragraphs one (1) through one-hundred-seventy-four (174) as though set forth verbatim herein without limitation and with full force and effect.

176. That Defendant intentionally inflicted of pecuniary harm upon Complainant when defendant published defamatory or false information of and concerning Complainant, interfered with Complainant's livelihood and was directly responsible for the termination of Complainant's agreement with Tennessee Metal Roofing Inc.

177. That upon information and belief Defendant acted with the knowledge and intent to harm the Complainant.
178. That upon information and belief defendant acted in favor of his own vendetta or personal gain.
179. That Complainant has sustained damage in an amount of not fewer than \$750,000.00 (seven hundred fifty thousand dollars and 00/100) plus the interest, costs, attorneys' fees, and disbursements of this action and any other relief this Commission deems just and proper subject to the maximum statutory award against the State of Tennessee.

SIXTH CAUSE OF ACTION: COUNT 6

CIVIL CONSPIRACY

180. Complainant 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. The Defendant and Detective William Decker Thorogood 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 Complainant's business relationships, reputation, and interfere with Complainant's ability to make a living fulfilling his agreement with corporation Tennessee Metal Roofing Inc.

182. As a direct and proximate result of the Defendant and Detective William Thorogood conduct in furtherance of the conspiracy, Complainant Kenton has suffered and will continue to suffer great harm.

183. That Complainant has sustained damage in an amount of not fewer than \$750,000.00 (seven hundred fifty thousand dollars and 00/100) plus the interest, costs, attorneys' fees, and disbursements of this action and any other relief this Commission deems just and proper subject to the maximum statutory award for claims against the State of Tennessee.

SEVENTH CAUSE OF ACTION: COUNT 7

NEGLIGENCE

184. Complainant repeats the allegations contained in paragraphs one (1) through one-hundred-eighty -three (183) as though set forth verbatim herein without limitation and with full force and effect.

185. That Defendant owed a duty to Complainant and the public-at-large, to properly research, conduct due diligence, and verify facts before disseminating and publishing false information otherwise known as fake news.

186. That but for Defendant's negligence breaching its duty to Complainant 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 Complainant would continue to receive substantial income therefrom.

187. That as a result of Defendant's negligence, Complainant has been damaged in a currently unascertainable amount of not fewer than \$1,000,00.00 (one million and 00/100 dollars) or the maximum statutory award for claims against the State of Tennessee.

EIGHTH CAUSE OF ACTION: COUNT 8

GROSS NEGLIGENCE

188. Complainant repeats the allegations contained in paragraphs one (1) through one-hundred-eighty-seven (187) as though set forth verbatim herein without limitation and with full force and effect.

189. That Defendant owed a duty to Complainant and the public-at-large, to properly research, conduct due diligence, and verify facts before disseminating and publishing false information otherwise known as fake news.

190. 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.

191. That the Complainant 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 \$900,00.00 (nine hundred thousand dollars) or any other

amount that this Commission deems just and proper or the maximum statutory award for claims against the State of Tennessee.

NINTH CAUSE OF ACTION; COUNT 9

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

192. Complainant repeats the allegations contained in paragraphs one (1) through one-hundred-ninety-one (191) as though set forth verbatim herein without limitation and with full force and effect.

193. That Defendant acted intentionally or recklessly in its reporting of false facts of and concerning the Complainant whereas:

194. That Defendant's conduct as unwarranted was extreme and outrageous; and

195. That the conduct of the Defendant was the cause of severe emotional distress and health issues to the Complainant.

196. That Complainant 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).

TENTH CAUSE OF ACTION: COUNT 10

MALICIOUS PROSECUTION

197. Complainant repeats the allegations contained in paragraphs one (1) through one-hundred-ninety-six (196) as though set forth verbatim herein without limitation and with full force and effect.

198. That the Defendant began or continued a criminal or civil legal proceeding without reasonable grounds to believe the basis for the proceeding;

199. That the Defendant had a purpose other than simply getting a judgment in the proceeding, and

200. That the proceeding has terminated in the favor of the Complainant.

201. That Complainant 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).

ELEVENTH CAUSE OF ACTION: COUNT 11

FALSE IMPRISONMENT

202. Complainant repeats the allegations contained in paragraphs one (1) through two-hundred-one (201) as though set forth verbatim herein without limitation and with full force and effect.

203. That Defendant acted purposefully with the intent to confine the Complainant without consent or authority;

204. That the threat or actions of the defendant created actual confinement of the Complainant
205. That the Complainant was aware of the detention.
206. That Complainant 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. the sum of \$100,000,000.00 (one hundred million and 00/100 dollars) or the maximum statutory compensation limitations by the State of Tennessee on the first cause of action;
 - b. an award for compensatory and punitive damages in the amount of \$50,000,000.00 (fifty million and 00/100 dollars) or the maximum statutory compensation limitations by the State of Tennessee on the second cause of action;
 - c. an award for compensatory and punitive damages of not fewer than \$150,000,000.00 (one hundred fifty million and 00/100 dollars) or the

- maximum statutory compensation limitations by the State of Tennessee on the third cause of action;
- d. an award for compensatory and punitive damages of not fewer than \$1,000,000. (one million and 00/100 dollars) or the maximum statutory compensation limitations by the State of Tennessee on the fourth cause of action;
 - e. an award of \$750,000.00 (seven hundred fifty thousand dollars and 00/100) plus the interest, costs, attorneys' fees, and disbursements of this action and any other relief this Commission deems just and proper or the maximum statutory compensation limitations by the State of Tennessee on the fifth cause of action;
 - f. an award for compensatory and punitive damages of not fewer than \$750,000.00 (seven hundred fifty thousand dollars and 00/100) or the maximum statutory compensation limitations by the State of Tennessee on the sixth cause of action;
 - g. an award of a currently unascertainable amount 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 seventh cause of action;
 - h. an award of not fewer than \$900,00.00 (nine hundred thousand dollars) or any other amount that this court deems just and proper or the maximum statutory compensation limitations by the State of Tennessee on the eighth cause of action.

- i. An award of compensatory and punitive damages of not fewer than \$300,000. (three hundred thousand and 00/100 dollars) on the ninth cause of action.
- j. An award of compensatory and punitive damages of not fewer than \$300,000. (three hundred thousand and 00/100 dollars) on the tenth cause of action.
- k. An award of compensatory and punitive damages of not fewer than \$300,000. (three hundred thousand and 00/100 dollars) on the eleventh 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 Court determines to be just and proper.

Dated: December 2, 2021



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

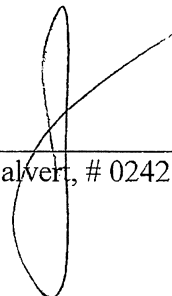
To:
Paula Merrifield, Clerk
Tennessee Claims Commission
Andrew Jackson Building, 13th Floor
502 Deadrick Street
Nashville, Tennessee 37243-0207

CERTIFICATE OF SERVICE

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

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

Dated: December 2, 2021



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 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

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

Table with columns: CHARGE, Court, Court Date, TIME DOCKET, BOND, CHARGE DESCRIPTION. Row 1: 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



WILSON COUNTY SHERIFFS OFFICE

Incident Report

Case Number: **202025605**

Page 2 of 2

Reporting Officer: **599 - BOSTON, CHARLES**

Report Date: **08/21/2020**

Approving Officer: **599 - BOSTON, CHARLES**

Approving Date: **08/21/2020**

Assigned Officer: **599 - BOSTON, CHARLES**

Assigned Date: **08/21/2020**

Clearing Officer: **599 - BOSTON, CHARLES**

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	Incorporator Title/Signer's Capacity	Jan 16, 2019 11:07AM
Printed Name		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 unrecoverable 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

EXHIBIT E

Tennessee Secretary of State

Tre Hargett

- [Business Services](#)
- [Charitable](#)
- [Civics](#)
- [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.

CUSTOMER SUPPORT

- [Contact Us](#)
- [Library & Archives](#)
- [Visitor Information](#)

DIVISIONS

- [Administrative Hearings](#)
- [Business Services](#)

LINKS

- [Tennessee General Assembly](#)
- [Bureau of Ethics and Campaign Finance](#)

EXHIBIT F

Incident Report



Metropolitan Police Department
Nashville, Tennessee
ver 4.7

ZONE
533

R.P.A.
8993

1. MPD Incident No.
2020-0383915

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
Cross Street:		State TN	Zip Code 37214 <input checked="" type="checkbox"/>
9. Offense CODE 90Z	10. Offense Description ALL OTHER	11. Status COMPLETED	12. Location Type CODE RESIDENCE, HOME
13. Weapon CODE (Enter up to 3) NONE			
15. Hate Crime Suspected NO	16. Suspected Gang Activity NO	16a. Terrorism Suspected NO	17. (For Burglary) Forced Entry <input type="checkbox"/>
		If Hotel/Motel/rental Storage No. of Premises Entered	18. (For Burglary/Robbery) Home Invasion? <input type="checkbox"/>
Part 2 Victim No. 1 <input checked="" type="checkbox"/> N/A		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 STEPHENS ROGER J
		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 2505 PULLEY RD	Apt No	City
	Cross Street	State TN	Zip Code 37214 <input checked="" type="checkbox"/>
E-Mail Address			
23. Sex MALE	24. Race White	25. Ethnicity NON HISPANIC	27. County Resident Yes
		28. DOB <input type="checkbox"/> UNK <input type="checkbox"/> N/A 10/08/1950	29. Age <input type="checkbox"/> N/A 69 - Years
29. Phone Numbers HM: WK: Cell/Pager: (615) 294-6318			
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 type="checkbox"/> MNI <input checked="" type="checkbox"/> N/A (Address) (Apt No) (Cross Street) (City) (State) TN (Zip Code) <input type="checkbox"/> (Email Address)			
34. Domestic Disturbance? No <input type="checkbox"/> VAPIT <i>If Yes, Answer the Following Questions</i> <i>Was Order of Protection Violated?</i> <i>Was Victim taken to Safe Place?</i> <i>Were Children taken to Safe Place?</i> <i>Were Children Present During Incident?</i>			
35. Victim to Suspect 1		Relationship RELATIONSHIP UNKNOWN	
35. Victim to Suspect 2		Relationship RELATIONSHIP UNKNOWN	
36. Aggravated Assault/Homicide Circumstances		37. Negligent Manslaughter	38. Justifiable Homicide

Part 2 Victim No. 2	31. Victim Type Society		19. (Last, First, Middle Name or Business Name) <input type="checkbox"/> UNK <input checked="" type="checkbox"/> MNI 57887311		State of TN (Society)	
	Same as Address of Incident (Block #8) <input type="checkbox"/>		22. Address of Victim Street <input type="checkbox"/> UNK 408 2ND AVE N	Apt No	City NASHVILLE	State TN
		Cross Street		Zip Code <input checked="" type="checkbox"/> 37201	E-Mail Address	
29. Phone Numbers		HM:	WK: (615) 862-8600		Cell/ Pager:	
30. Victim of Offenses: (Ref Block #9)		90Z				
34. Domestic Disturbance? No <input type="checkbox"/> VAPIT		If Yes, Answer the Following Questions		Was Order of Protection Violated?	Was Victim taken to Safe Place?	Were Children taken to Safe Place?
35. Victim to Suspect		Relationship				
36. Aggravated Assault/Homicide Circumstances		37. Negligent Manslaughter		38. Justifiable Homicide		
Part 3 Suspect # 1	92. (Last, First, Middle Name) <input type="checkbox"/> Alias <input type="checkbox"/> UNK <input checked="" type="checkbox"/> MNI NEW		94. SSN or Driver Lic. No.			
	Unknown		HARKIN MIKE		Unknown	
93. Address Street <input type="checkbox"/> UNK 11205 LEBANON RD		Apt # 294	City MT. JULIET	State TN	Zip Code <input type="checkbox"/> 37122	95. Phone No. <input checked="" type="checkbox"/> UNK (615) 573-2221
Cross Street:						
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 "
106. Hair UNKNOWN		107. Eyes UNKNOWN				
108. Scars and Other Identifiers TNMETALROOFING@GMAIL.COM			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 None <input type="checkbox"/> Seized (If seized, complete Part 5, Motor Vehicle Section) <input type="checkbox"/> MVI						
(Year)	(Make)	(Model)	(Style)	(Color)	(License No.)	(State) (Yr)
						TN

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	98. Race	99. Ethnicity		100. DOB <input checked="" type="checkbox"/> UNK	101. Age <input checked="" type="checkbox"/> UNK Yrs	104. Height "	105. Weight lbs
MALE	White	NON HISPANIC			-	' "	
106. Hair		107. Eyes					
108. Scars and Other Identifiers				109. Clothing			
102. Suspected of Using <input checked="" type="checkbox"/> NA				103. Status (Enter up to 2)			
Alcohol Drugs Computer				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) <input type="checkbox"/> N/A		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	44. Sex	45. Race	47. DOB <input checked="" type="checkbox"/> UNK	46. Age <input type="checkbox"/> UNK Yrs	48. Phone Numbers		
NOT INTERVIEWED	MALE	White		48 -	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 <input checked="" type="checkbox"/> N/A	85. Injured
--	-------------

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

87. Describe Injury

88. Medical Treatment	89. Transported By
-----------------------	--------------------

90. Examining Physician <input type="checkbox"/> N/A	91. Status
--	------------

Part 7 Search By Officer <input checked="" type="checkbox"/> N/A	111. Search Type	112. Searched Location (Address, Area, Etc.)
---	------------------	--

--	--	--

Part 8 Other Units Requested <input checked="" type="checkbox"/> N/A	113. I.D. Section Called To Scene:
Yes, for: <input type="checkbox"/> Photos <input type="checkbox"/> Prints <input type="checkbox"/> Other <input type="checkbox"/> Other: <input type="checkbox"/> DNA <input type="checkbox"/> Firearms <input type="checkbox"/> 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: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Refuse to Sign STEPHENS, ROGER Victim 1	127. Advisory Notice Issued 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.)	Case No.: 2020-0383915
)	
JAMES P. KENTON,)	
)	
Defendant.)	

**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.

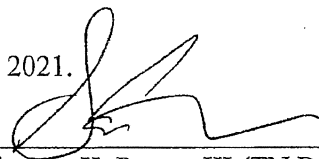
7. *The front and back of any check issued to the accounts you maintain for Tennessee Metal Roofing Inc., from account number 11243144, routing number 064103529, in the name of Karen D. Stephens and Roger J. Stephens 2505 Pulley Rd, Nashville, Tennessee 37214 drawn on Wilson Bank and Trust between the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



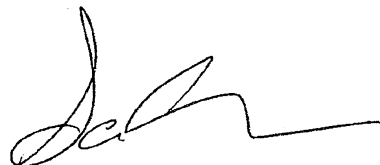
Thomas K. Potter, III (TN Bar # 024857)
Samuel A. Morris (TN Bar # 034878)
BURR & FORMAN LLP
222 Second Avenue South, Ste. 2000
Nashville, Tennessee 37201
Telephone: 615-724-3231
Facsimile: 615-724-3331
Email: tpotter@burr.com
Email: smorris@burr.com

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

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

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 Patrick Kenton including but not limited to:
 - Carole MacCoffum, 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.

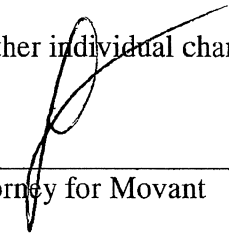
(A) You have the right to be represented by an attorney in this contempt proceeding. If the Court determines that you are unable to afford an attorney, the Court will appoint an attorney for you.

(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	SUBPOENA DUCES TECUM	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].

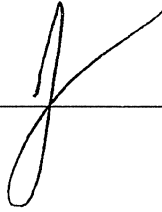
(This is a general form subpoena. The party issuing the subpoena is responsible for complying with any provision of law imposing additional notice requirements that apply to the pending case or to the type of records being sought under this subpoena.)

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:

My Commission Expires: _____

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

Signature

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.

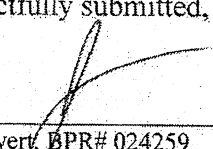
11. The only issues in this case are the criminal acts by Detective Thorowgood and Mr. Stephens in addition to Detective Thorowgood seeking his fifteen minutes of fame on television. There are no issues concerning the Defendant who has been perpetually defamed and harassed by Detective Thorowgood whose 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.

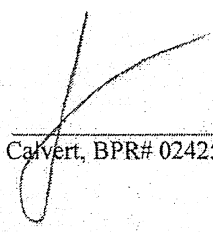
Respectfully submitted,



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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

COMPLAINANT: _____

PROSECUTOR: William Decker Thoroxygood
DEFENDANT: Michael Haskin
VICTIM: Roger J Stephens

STATE OF TENNESSEE COUNTY OF DAVIDSON
AFFIDAVIT

Home Improvement Fraud - \$1,000 but - \$2,500
39-14-15A

Personally appeared before me, the undersigned Commissioner, the prosecutor named above and made oath in the form of an affidavit 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 12/29/2019 the victim had an estimate completed by Tennessee Metal Roofing Company for new roof to his residence. A representative for Tennessee Metal Roofing Company named Michael Haskin arrived at the victim's home and completed the estimate. Mr. Haskin quoted the victim at \$11,990 for a new metal roof. The victim paid Mr. Haskin a down payment of \$1,190 and signed a contract. The contract was also signed by Mr. Haskin. 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 a 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 Mr. Haskin numerous times and could not reach him. On 5/2/2020 the victim mailed a letter and certified mail to the company's listed business address. The victim did not receive an response and filed a police report. Mr. Haskin via telephone advised the victim that he was employed by Tennessee Metal Roofing Company. The victim has not been refunded and no work was ever completed on his home.

Prosecutor: William Decker Thoroxygood: 387601

AFFIDAVIT WARRANT

Information on oath having been made, that on the day and year above said and in the County above said, the offense of Home Improvement Fraud - \$1,000 but - \$2,500 F.B.I. # 2020-12345 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.

Swoorn to and subscribed before me on 08/18/2020 14:09:22

Steve M. Zabel
Judge of the Metropolitan General Sessions Court Commissioner

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; Conract 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: 1-877-563-9749
Facsimile: 1-800-493-8951
Electronic mail: mf.calvert@attorneys-counselors.com
Website: www.attorneys-counselors.com

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JANUARY 10, 2022 09:48

**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 DISMISS

The State of Tennessee moves for dismissal of this claim pursuant to Tenn. R. Civ. P. 12.02(1) for lack of subject-matter jurisdiction as the Tennessee Claims Commission only has jurisdiction to adjudicate claims based on alleged acts or omissions by state employees and no state employee is involved in this claim. The State contemporaneously files its memorandum of law in support of this motion.

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 January 10, 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

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**IN THE TENNESSEE CLAIMS COMMISSION
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Claimant,)	
)	Claim No.
vs.)	0546-GL-21-0300338-001
)	
STATE OF TENNESSEE)	Regular Docket
)	
Defendant.)	

STATE OF TENNESSEE’S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

The State of Tennessee files this memorandum in support of its Motion to Dismiss.

PRELIMINARY STATEMENT

Dismissal is warranted in this case because the Tennessee Claims Commission does not have subject-matter jurisdiction over claims alleging the negligence of non-state employees.

STATEMENT OF FACTS

According to Claimant, he has suffered various intentional torts due to the actions of William Thorogood. (Complaint, generally.) William Thorogood is a detective with the Metropolitan Nashville Police Department. (*Id.*) Claimant lists “Nashville Metropolitan Police Dept” as the state agency involved in this claim. (Claim for Damages, p.1). Claimant also alleges that Detective Thorogood conspired with Caresse Jackson, an employee of local news station WSMV-TV. (Complaint, ¶¶ 69-70 & Claim for Damages p.2).

ARGUMENT

THE TENNESSEE CLAIMS COMMISSION IS WITHOUT SUBJECT-MATTER JURISDICTION TO ADJUDICATE CLAIMS AGAINST NON-STATE EMPLOYEES.

According to the Claims Commission statute, the Tennessee Claims Commission “has exclusive jurisdiction to determine all monetary claims against the state based on the acts or omissions of ‘state employees.’” Tenn. Code Ann. § 9-8-307(a)(1)(emphasis added). Conversely, the Claims Commission does not have jurisdiction over claims made against non-state employees.

Here, Claimant alleges that William Thorogood, a Metropolitan Nashville police officer caused his injuries. (Claim for Damages, p. 1.) Further, Claimant alleges that Detective Thorogood conspired with Caresse Jackson of WSMV to “hide his crimes and literally create fake news regarding Mr. Kenton.” (Complaint, ¶ 69.) The Metropolitan Nashville Police Department is not a state agency. THE CODE OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, ch. 2.44, art. 1. Further, WSMV is a privately owned news station, not a state agency. *See Gray Television, Inc. Terms of Use Agreement*, <https://www.wsmv.com/site/terms.html> (last accessed January 4, 2022).

Neither Detective Thorogood nor Caresse Jackson are state employees. Because Claimant does not allege that the negligent acts or omissions of a state employee caused his alleged injuries, the Commission lacks subject-matter jurisdiction over his claim, and it must be dismissed.

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
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(615) 253-5662

CERTIFICATE OF SERVICE

I hereby certify that, on January 10, 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

FILED

JAN 26 2022

Tennessee Claims Commission
Clerk's Office

JAMES KENTON

Claimant,

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

-- against --

STATE OF TENNESSEE

Defendant.

Regular Docket


PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS

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

1. The Commission has jurisdiction to adjudicate this case despite counsel's failure to read the Complaint and Exhibits thereto.
2. The causes of action contained in the Complaint are sufficiently plead and any objection thereto has been waived.
3. That the opposition's only addresses one person when the State of Tennessee is the Defendant and ignores other State of Tennessee employees voiding any theory that the Commission lacks subject matter jurisdiction.
4. That there is no exhibit supporting any allegations by the State in it's Motion to Dismiss rendering all arguments as void.

5. The State's reference to Gray's Media Inc. and Caresse Jackman are a smoke screen bear no relevance to the claims by the Claimant.

Dated: January 20, 2022



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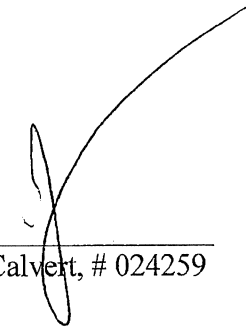
To:
Paula Merrifield, Clerk
Tennessee Claims Commission
Andrew Jackson Building, 13th Floor
502 Deadrick Street
Nashville, Tennessee 37243-0207

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Plaintiff's Opposition to Motion to Dismiss was mailed by First-Class US mail within the State of Tennessee postage prepaid to::

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

Dated: January 20, 2022



Joe Calvert, # 024259

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED

JAN 26 2022

Tennessee Claims Commission
Clerk's Office

JAMES KENTON

Claimant,

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

-- against --

STATE OF TENNESSEE

Defendant.

Regular Docket

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OPPOSITION TO

MOTION TO DISMISS

PRELIMINARY STATEMENT

Plaintiff immediately objects to the mischaracterization of Mr. Thorogood as a non-employee of the State who designates himself as "Prosecutor: William Decker Thorogood" on the Arrest Warrant of the Claimant when the State of Tennessee is the Plaintiff. See Arrest Warrant Claimant's Exhibit A to the Compliant. This is a *de facto* admission of being employed by the State as a prosecutor. There is no designation of Prosecutor Thorogood being a police officer in Nashville or anywhere else on the Arrest Warrant. There is no documentary evidence submitted with Motion to Dismiss to the contrary, merely unsupported hyperbole. There are no paychecks that could have come from multiple sources from the State of Tennessee or funds controlled by the State of Tennessee. There is no documentation that establishes any or all sources of

compensation that would be derived from the State of Tennessee regardless of any facial designation on a check or deposit receipt..

The State appears not to have read the entire Complaint whereas each cause of action which is not limited to intentional torts as misrepresented in the State's Motion is properly plead. The State has posed no objection to the content or pleading therein. Nonetheless, Dianne Turner (Complaint paragraphs 58, 66, 67, 68, 74, 139, 140, and Complaint Exhibits **I** and **J**) and Chadwick Jackson (Complaint paragraphs 62, 63, 64, 65, 66, 74, 130, 137, 139, 140 and Exhibits **I** and **J**), along with "Prosecutor" Thorogood are employees of the State of Tennessee as applied to the causes of action. What is most patently absurd is that anyone could possibly believe that Caresse Jackman (that the Motion misrepresents as Caresse "Jackson") or any "news agency" could be an employee of the State. It is not implied anywhere in the Complaint that she, or it, is a State employee. Ms. Jackman is a co-conspirator but for purposes of the Complaint is not, nor could be designated as anything but a co-conspirator, who is not required to be an actual party to any cause of action. The tort of conspiracy is defined as a "combination between two or more persons to accomplish by concert an unlawful purpose, or to accomplish a purpose not in itself unlawful by unlawful means." *Id.* (quoting *Dale v. Thomas H. Temple Co.*, 186 Tenn. 69, 90, 208 S.W.2d 344, 353 (1948)); *see also Huckeby v. Spangler*, 521 S.W.2d 568, 573 (Tenn.1975); *Braswell v. Carothers*, 863 S.W.2d 722, 727 (Tenn.Ct.App.1993); *Kirksey v. Overton Pub, Inc.*, 739 S.W.2d 230, 236 (Tenn.Ct.App.1987). Each conspirator must have the intent to accomplish this common purpose, and each must know of the other's intent. *Dale*, 186 Tenn. at 90, 208 S.W.2d at 353-54. The agreement "need not be formal, the understanding may be a tacit one, and it is not essential that each conspirator have knowledge of the details of the

conspiracy.” *Id.* Finally, “it is [a] basic principle that each conspirator is responsible for everything done by his confederate which the execution of the common design makes probable as a consequence”; in other words, each conspirator is liable for the damage caused by the other as is in the current case. *Id.* 186 Tenn. at 90-91, 208 S.W.2d at 354; *accord Huckeby*, 521 S.W.2d at 573-74. A proper reading of the case law at least implies that Prosecutor Thorogood, Mr. Jackson, Judge Turner, and non-state employee Ms. Jackman are co-conspirators. Let us remind you that the State of Tennessee is the Defendant in this action as opposed to any singular or multiple individuals.

MOTION TO DISMISS STANDARD

In considering a motion to dismiss, courts ““must construe the complaint liberally, presuming all factual allegations to be true and giving the plaintiff the benefit of all reasonable inferences.”” *Tigg v. Pirelli Tire Corp.*, 232 S.W.3d 28, 31-32 (Tenn. 2007) (quoting *Trau-Med*, 71 S.W.3d at 696); see *Leach v. Taylor*, 124 S.W.3d 87, 92-93 (Tenn. 2004); *Stein v. Davidson Hotel Co.*, 945 S.W.2d 714, 716 (Tenn. 1997); *Bellar v. Baptist Hosp., Inc.*, 559 S.W.2d 788, 790 (Tenn. 1978); see also *City of Brentwood v. Metro. Bd. of Zoning Appeals*, 149 S.W.3d 49, 54 (Tenn. Ct. App. 2004) (holding that courts ““must construe the complaint liberally in favor of the plaintiff by giving the plaintiff the benefit of all the inferences that can be reasonably drawn from the pleaded facts”). A trial court should grant a motion to dismiss ““only when it appears that the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to relief.”” *Crews v. Buckman Labs. Int’l, Inc.*, 78 S.W.3d 852, 857 (Tenn. 2002); see *Lanier v. Rains*, 229 S.W.3d 656, 660 (Tenn. 2007); *Doe v. Sundquist*, 2 S.W.3d 919, 922 (Tenn. 1999); *Pemberton v. Am. Distilled Spirits Co.*, 664 S.W.2d 690, 691 (Tenn. 1984); *Fuerst v. Methodist Hosp. S.*, 566

S.W.2d 847, 848 (Tenn. 1978); *Ladd v. Roane Hosiery, Inc.*, 556 S.W.2d 758, 759-60 (Tenn. 1977).

Under Tennessee Rule of Civil Procedure 8, Tennessee follows a liberal notice pleading standard, see *Leach*, 124 S.W.3d at 92-93, which recognizes that the primary purpose of pleadings is to provide notice of the issues presented to the opposing party and court. *Abshire v. Methodist Healthcare-Memphis Hosps.*, 325 S.W.3d 98, 103 (Tenn. 2010); see also *Robert Banks, Jr. & June F. Entman*, Tennessee Civil Procedure § 5-4(a) (3d ed. 2009) (“The essential function of the pleadings is simply to give notice of a claim or defense. History, as Professors Wright and Miller point out, has shown that the pleadings cannot successfully do more.”) (footnotes omitted). Our state’s notice pleading regime is firmly established and longstanding; this Court recognized well before the Tennessee Rules of Civil Procedure were adopted that “[t]he object and purpose of any pleading is to give notice of the nature of the wrongs and injuries complained of with reasonable certainty, and notice of the defenses that will be interposed, and to acquaint the court with the real issues to be tried.” *Hammitt v. Vogue, Inc.*, 165 S.W.2d 577, 579 (Tenn. 1942).

THE STATE FAILS TO EVEN RECOGNIZE THE STANDARD FOR A MOTION TO DISMISS REGARDLESS OF THE ALLEGED STATUTORY PROVISION


Courts are not required to accept as true assertions that are merely legal arguments or “legal conclusions” couched as facts (having already noted several false representations by Defendant) as is in the case of the Motion to Dismiss. See generally, *Riggs v. Burson*, 941S.W.2d 44, 47-48 (Tenn. 1997). Whereas the State offers no exhibits or proof that Prosecutor Thorogood, Hon. Dianne Turner, and Chadwick Jackson are not receiving compensation from the State of Tennessee and are not *de facto* employees of the State. The source of the funds, not the name on any paycheck that has not been offered as determinative of Prosecutor. Thorogood's

employment status as prosecutor has failed to be produced in support of the frivolous motion by the State. The State only offers bald conclusory statements without any substantiation or documentary support. If Prosecutor Thorogood is not a prosecutor it is this Commission's obligation to report the impersonation to the Tennessee Bureau of Investigation and we start over again with what would qualify as another indisputable false arrest in addition to *Tennessee Code*, Title 39, Chapter 16, Part 4 - Misconduct Involving Public Officials and Employees. This of course would include the attorney that submitted false statements of fact to this Commission in the Motion to Dismiss that could qualify as a Class A misdemeanor or Class E felony that has a two year statute of limitations.

CONCLUSION

The failure to recognize all designated State actors in Claimant's Complaint or completely irrelevant statements of television news reporter fantasies fail to establish grounds for a Motion to Dismiss for want of subject matter jurisdiction including but not limited to Prosecutor Thorogood. Any other objections to the content of Claimant's Complaint have been waived because they are not in dispute. Similarly, the State does not deny or even suggest that the other persons named in the Complaint are not employees of the State of Tennessee.

Dated: January 20, 2022



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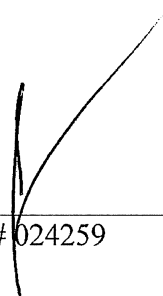
As directed to:
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Andrew Jackson Building, 13th Floor
502 Deadrick Street
Nashville, Tennessee 37243-0207

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS was mailed by First-Class US mail within the State of Tennessee postage prepaid to:

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

Dated: January 20, 2022



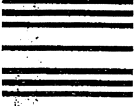
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1137 GreenLea Blvd
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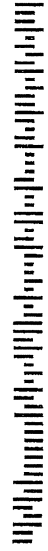
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FEBRUARY 01, 2022 10:39

**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 REPLY TO CLAIMANT’S
RESPONSE IN OPPOSITION**

The State of Tennessee files this reply to Claimant’s Response in Opposition to the State’s Motion to Dismiss.

ARGUMENT

I. JUDGE DIANNE TURNER IS NOT A STATE EMPLOYEE.

Claimant now alleges that Dianne Turner, a Davidson County General Sessions judge, is a state employee. (Claimant’s Response, p. 2.) The salary of a general sessions judge is paid by the county.¹ Tenn. Code Ann. § 16-15-5006(a). Therefore, a general sessions judge is not a state employee.² Tenn. Code Ann. §§ 8-42-101(3)(A) & 9-8-307(a)(1). Moreover, courts have specifically held that a general sessions judge is a county officer. *State ex rel. Winstead v. Moody*, 596 S.W.2d 811 (Tenn. 1980) & *Durham v. Dismukes*, 333 S.W.2d 935, 206 Tenn. 448 (1960).

Because Judge Turner is not a state employee, any claims against her must be dismissed.

¹ It is not necessary, nor possible, for the State to provide compensation information of a non-state employee.
² Even if Judge Turner was a state employee whose acts or omissions fall within the jurisdiction of this Commission, she would be entitled to judicial immunity. *See Heath v. Cornelius*, 511 S.W.2d 683, 684 (Tenn. 1974).