

IN THE CIRCUIT COURT OF HARDIN COUNTY, TENNESSEE  
AT SAVANNAH

CLARK JONES, )  
)  
PLAINTIFF, )  
)  
VS. )  
)  
TONY HAYS, CHARLES C. THOMPSON, II )  
)  
CENTER FOR PUBLIC INTEGRITY, )  
)  
a corporation, RON SHANK and/or )  
)  
JOHN DOE D and JANE DOE D, )  
)  
SAVANNAH JOURNAL, LARRY BRINTON, )  
)  
LANDMARK TELEVISION OF )  
)  
TENNESSEE/NEWS CHANNEL 5 )  
)  
NETWORK d/b/a WTVG/CHANNEL 5 )  
)  
(NASHVILLE), CHARLOTTE ALEXANDER, )  
)  
DECATUR COUNTY CHRONICLE, L.L.C., )  
)  
REBECCA HAGELIN, )  
)  
WORLD NET DAILY.COM, INC., )  
)  
WDTM CORPORATION d/b/a CHANNEL 6, )  
)  
WSIB and WSIB 93.9 FM, )  
)  
SAVANNAH SNITCH, )  
)  
JOHN DOE E and/or JANE DOE E d/b/a )  
)  
TENNESSEE RIVER PRESS, )  
)  
H. J. MAXEDON, )  
)  
JOHN DOES A, B, and C, )  
)  
JANE DOES A, B, and C, )  
)  
)  
DEFENDANTS. )

NO. 3414

*21st Dec 2004 10:30*  
*Lina Smith*

SECOND AMENDED COMPLAINT

COMES NOW the Plaintiff, Clark Jones, and for his causes of action against the Defendants, would show:

I.

**JURISDICTION**

1. Plaintiff is a private citizen, businessman, and resident of Savannah, Hardin County, Tennessee.

2. Defendant, Tony Hays, is a citizen and resident of Savannah, Hardin County, Tennessee, with a mailing address of 951 Airways Blvd., Savannah, TN 38372-1631.

3. Defendant, Charles C. Thompson, II, is a citizen and resident of McLean, Fairfax County, Virginia with a mailing address of 1808 Briar Ridge Court, McLean, Virginia 22101-4202.

4. Defendant, Center for Public Integrity, is a foreign corporation with its principal place of business in Washington, D.C. with its agent for service of process being Gail Harmon, 1726 M St., N.W., Apt. 600, Washington, D.C. 20036

5. Defendant, Ron Shank and/or John Doe D and/or Jane Doe d/b/a the "Savannah Journal", is/are believed to be the owner(s) and/or manager(s) and/or person(s) in charge of the "Savannah Journal", a publication of Internet news and commercial advertisements located in Savannah, Hardin County, Tennessee, with a business address of 305 Canby Circle, Savannah, TN 38372. Defendant, Savannah Journal, has an active website known as <http://www.SavannahJournal.com>.

6. Defendant, Larry Brinton, is a citizen and resident of Davidson County, Tennessee, and is a television reporter employed by Defendant, News Channel 5 Network d/b/a WTVF/Channel 5 in Nashville, Tennessee, with a business address of 474 James Robertson Parkway, Nashville, TN 37219.

7. Defendant, Landmark Television of Tennessee and/or News Channel 5 Network, operates WTVF/Channel 5 and employs Defendant Brinton, with its agent for service of process being C.T. Corporation Systems, 530 Gay Street, Knoxville, TN 37902 and, at all times herein, Defendant Brinton was acting within the scope and course of his employment with said Defendant.

8. Defendant, Charlotte Alexander, is the editor and/or publisher of and manager of the "Decatur County Chronicle", a newspaper printer of news and commercial advertisements doing business in Tennessee, with a mailing address of 70 Long Avenue, Parsons, TN 38363-0242.

9. Defendant, Decatur County Chronicle, L.L.C. is a corporation or limited liability company which operates a newspaper, "The Decatur County Chronicle", and is a printer of news and commercial advertisements in Parsons, Decatur County, Tennessee, with its agent for service of process being Charlotte Alexander, 70 Long Avenue, Parsons, TN 38363-0242.

10. Defendant, Rebecca Hagelin, is the Vice President of Communication for World Net Daily. Com, Inc., residing in Richmond, Chesterfield County, Virginia, with a mailing address of 2700 Birkdale Lane, Richmond, VA 23236.

11. Defendant, World Net Daily. Com, Inc., is a Delaware corporation, doing business in Cave Junction, Josephine County, Oregon, with its agent for service of process being The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

12. Defendant, "Savannah Snitch," is a publication with a P.O. Box in Jackson, Madison County, Tennessee, whose owner(s), agent(s) and representative(s) are real persons but yet unidentified and are treated herein as John Doe(s) C and/or Jane Doe(s)C.

13. Defendant, H. J. Maxedon is a citizen and resident of Selmer, Tennessee with an address of 131 Hideaway Square, Selmer, Tennessee 38375, and, at all times pertinent herein, was a television and radio show host in Selmer, Tennessee for the Defendant WDTM Corporation.

14. Defendants, WDTM Corporation d/b/a Channel 6, WSIB and WSIB 93.9 FM, operate radio and television stations in Selmer, Tennessee with a broadcast area covering southern and western Tennessee and northern Mississippi and is a Tennessee corporation.

15. Defendants, John Doe E and/or Jane Doe E d/b/a Tennessee River Press, are real, but as yet unidentified persons or entities who own, operate and publish The Tennessee River Press, a print publication.

16. Defendants, John Does A, B and C and Jane Does A, B and C are real but as yet unidentified persons or entities who, acting in concert with other Defendants herein, caused, created, assisted, procured, and/or participated in the wrongful acts complained of herein.

## II.

### **FACTUAL ALLEGATIONS**

17. During the period between March 15, 2000 and December 14, 2000, the Defendants and each of them, published, caused to be published, and/or acted in concert

to publish malicious, libelous, slanderous, and false statements concerning Plaintiff, Clark Jones, a private citizen residing in Savannah, Hardin County, Tennessee. Specifically, each and all of said Defendants libeled the Plaintiff when each published, caused to be published, and/or acted in concert with others to publish, false, malicious, and scurrilous falsehoods about the Plaintiff.

18. From on or about March 15, 2000 through December 14, 2000, Defendant Hays and Thompson, individually and while acting as and holding themselves out as the designated representatives, employees of and/or reporters and agents for other of the Defendants, including the Center For Public Integrity, Savannah Journal, and others and with the express and/or implied and/or ostensible authority of the said Defendants, created, fabricated, and published libelous, malicious, and false statements with false attributions as to sources to third persons, examples of which are set forth hereinafter, in which publications the said Defendants falsely stated that Plaintiff was or had been the subject or "suspect" of a law enforcement investigation into illegal drug trafficking, was or had been involved in arson and threats of violence, was or had been exchanging "TVA permits" for political contributions, had obstructed, "shut down", and/or interfered with criminal investigations, all of which statements the Defendants knew were false and/or were recklessly made without regard for their truth or falsity.

19. Defendants Hays and Thompson held themselves out as and represented themselves as having been employed or contracted by Defendant, Center for Public Integrity, and asserted to others that they were working for and on the benefit of said Defendant in their "investigative" and "reporter" activities and, while acting in such capacity,

fabricated and published multiple false, libelous and malicious statements concerning Plaintiff including the following:

- (a) that Plaintiff was involved in narcotics trafficking;
- (b) that Plaintiff was the subject of a “drug probe” or narcotics trafficking investigation by the “Tennessee Bureau of Investigation”;
- (c) that Plaintiff improperly used political pull or connections to cause the investigation to be ended;
- (d) that Plaintiff, as a suspect, met secretly or clandestinely with a law enforcement agent in charge of the investigation;
- (e) that Plaintiff contacted Vice-President Gore about the investigation;
- (f) that Plaintiff, in effect, obstructed the investigation;
- (g) that Plaintiff is an “alleged dope dealer” and a “suspected drug dealer”;
- (h) that Plaintiff was implicated in an arson of his business in the 1980's;
- (i) that Plaintiff has traded TVA permits for political contributions;
- (j) that Plaintiff was less than honest when answering questions.

20. On or about April 19, May 3, 10 and 25, 2000 and on other occasions as late as June 26, 2000, the Defendant, Center For Public Integrity, represented and acknowledged in writing to third persons and to the public that Defendants Hays and Thompson were a part of the Defendant's “team” in their “investigative” and “reporting” actions that ultimately resulted in the Defendants' defamation of Plaintiff. As a result, the Defendant, Center for Public Integrity, is liable for the wrongs of Defendants Hays and

Thompson by *respondeat superior*, imputation, and by its own active participation in and with these Defendants' conspiratorial actions to defame Plaintiff.

21. Defendant, Center for Public Integrity, represented to third persons and to the public at large that Defendants Thompson and Hays were employed by or were representatives of the Defendant Center for Public Integrity and, indeed, Defendant Thompson used said Defendant's offices, equipment and letterhead with Defendant's obvious permission and acquiescence.

22. On or before May 18, 2000, Defendant, Charles H. Thompson, II, caused to be reported and published on television, on the Internet, and through other media that, while working on behalf of or for the benefit and with the expressed authority of the Defendant, Center for Public Integrity, "a non-profit, non-partisan educational organization dedicated to providing the public with findings of and analyses of public service, government accountability and ethics related issues", he would soon be reporting through approved articles that Plaintiff, who the Defendant identified as a "top twenty-five fund raiser for Vice President Gore", was "one of the suspects" in a Hardin County investigation of a large drug operation "shut down" by top TBI officials. Such statements about Plaintiff were false and known to be false when made.

23. On May 18, 2000, the Defendants, Hays, Thompson, Landmark Television of Tennessee/News Channel 5 Network d/b/a WTVF/Channel 5, Brinton and Savannah Snitch, by television, print, and Internet publication, repeated the false and groundless allegation that Plaintiff, identified by Defendants Thompson and Hays as "a top 25 fundraiser for Vice-President Al Gore," was "one of the suspects" in "a large drug

operation" investigation. Such statements were without basis in fact, and were false and libelous when made and repeated by Defendants.

24. This defamation and libel published by said Defendants were repeated by Defendants, Alexander, Decatur County Chronicle, L.L.C., in the "Decatur County Chronicle", Savannah Journal, World Net Daily.Com, Inc., Hagelin, Shank, John Doe D and/or Jane Doe D, and the Savannah Snitch, acting in concert with Defendants, Hays and Thompson to defame Plaintiff.

25. The recklessness and malice of the Defendants Thompson and Hays and, by imputation, of their principals and co-conspirators, Defendants, Center for Public Integrity, Hagelin, Shank, Does D, Savannah Journal, World Net Daily.Com, Inc., was evidenced by their contacting of Plaintiff for an interview, the same being scheduled by agreement for June 27, 2000, and then, when Plaintiff wished to accurately record the questions and answers of such interview by a certified court reporter and/or by tape recording to insure the accuracy of any reporting thereof, the Defendants Thompson and Hays suddenly refused to allow the questions and answers to be recorded, canceled the interview and, instead, published further false, malicious and baseless allegations that accused Plaintiff of being the "subject" of a drug investigation and of improperly acting to "shut down" a criminal investigation in which he was a "suspect" being conducted by law enforcement agents.

26. On September 18, 2000, the Defendant, Rebecca Hagelin, acting for and on behalf of the Defendant World Net Daily.Com, Inc. as its Vice-President of Communications, recklessly caused to be published, over the world-wide Internet, false

and malicious allegations that Plaintiff traded TVA permits for campaign donations and was the subject of a "TBI investigation" which "was soon aborted". The said Defendants boasted that the World Net Daily.Com, Inc. site served "30 million page views and nearly one million unique visitors each month".

27. On or about September 18, 19 and 20, 2000, the Defendants Hays, Thompson, and World Net Daily.Com, Inc., maliciously and/or recklessly published false allegations falsely attributed to a witness that Plaintiff had exchanged TVA permits for political contributions and that Plaintiff had been the subject "of a TBI narcotics investigation." Such statements and the witness attribution as to same were false and fabricated whole cloth and were known to be false when published.

28. On Wednesday, September 20, 2000, the Defendants Hays, Thompson, and World Net Daily.Com, Inc., recklessly and maliciously published and repeated their false and scurrilous statements that Plaintiff was involved in shutting down an "ongoing drug investigation" when such statements and the witness attribution as to same were false and fabricated whole cloth and were known by Defendants to be false when made.

29. On or about October 2 and 3, 2000, the Defendants Charlotte Alexander and Decatur County Chronicle, L.L.C. d/b/a "Decatur County Chronicle" were put on notice and specifically requested not to republish the above false and scurrilous articles written by Thompson and Hays and published by them and the above referenced Defendants, Savannah Journal, World Net Daily.Com, Inc., Savannah Snitch, Brinton, and the News Channel 5 Network. Notwithstanding being put upon actual notice of the falsity of the

articles and publications, these Defendants intentionally, recklessly and maliciously republished the defamatory matters.

30. On or about October 9 and 10, 2000, the Defendants Hays, Thompson, and World Net Daily.Com, Inc. published statements that Plaintiff was involved in or implicated in an arson of Plaintiff's family business in 1980. Such statements were false and known to be false and/or maliciously and recklessly made.

31. Defendants, Hays, Thompson, World Net Daily.Com, Inc., Shank, Does D, and the Savannah Journal, on October 9, 2000, repeated and published the totally false, libelous and malicious allegation that Plaintiff "had killed a Tennessee Bureau of Investigation narcotics probe" in Hardin County and then libelously, falsely and maliciously accused Plaintiff of threatening violence to Defendants, all of which publications were false and specifically designed to hold the Plaintiff up to humiliation, ridicule and embarrassment.

32. On October 9, 10 and 15, 2000, the Defendants Hays, Thompson, Shank, Does D, Savannah Journal, and World Net Daily.Com, Inc. published false statements that Plaintiff was involved in threats of violence when, in fact, Defendants knew such statements were false.

33. On December 14, 2000, the Defendant Hays appeared on Defendant H. J. Maxedon's radio and television programs published over WSIB, 93.9 FM radio and Channel 6 owned and operated by Defendant, WDTM Corporation, and with the invitation, and, assistance, and encouragement of Defendant Maxedon repeated the malicious, false and libelous statements that Plaintiff, "Clark Jones of Savannah, Tennessee" had "met with the TBI and convinced them to shut down the investigation" of a "TBI narcotics

investigation”, Defendant Maxedon recklessly and specifically approved and endorsed the veracity and truth of Defendant’s false statements, with no reason or basis for doing same. Pursuant to T.C.A. §29-24-104, the acts of Hays and Maxedon as agents and representatives are imputed to the Defendant WDTM Corporation in that the Defendant corporation failed to exercise due care in preventing the broadcast and/or rebroadcast of the defamation.

34. In December, 2000, the Defendants, Hays, Thompson, John Doe E and/or Jane Doe E d/b/a Tennessee River Press again published, republished and disseminated the false and malicious allegations that:

(a) Plaintiff was involved in narcotics trafficking;

(b) Plaintiff was the subject of a “drug probe” or narcotics trafficking investigation by the “Tennessee Bureau of Investigation”;

(c) Plaintiff improperly used political pull or connections to cause the investigation to be ended;

(d) Mr. Jones, as a suspect, met secretly or clandestinely with a law enforcement agent in charge of the investigation;

(e) Plaintiff contacted Vice-President Gore about the investigation;

(f) Plaintiff, in effect, obstructed the investigation;

(g) Plaintiff is an “alleged dope dealer” and a “suspected drug dealer”;

(h) Plaintiff was implicated in an arson of his business in the 1980's;

(i) Plaintiff has traded TVA permits for political contributions;

(j) Plaintiff was less than honest when questioned by Defendant Hays.

35. John Does A, B, C and Jane Does A, B, C are real but, as yet, unidentified persons or entities who participated in publishing, causing to be published or acting in concert to publish and/or republish, the libelous acts herein.

36. The tortious acts of Defendants, as stated hereinabove, were directed at Plaintiff, a resident of Hardin County, Tennessee and were published and occurred in Hardin, Decatur, Davidson, and other counties in Tennessee and thereafter caused to be published from Hardin County, Tennessee worldwide via print, television, radio, facsimile, and the Internet, such publications resulting in damages and injuries to Plaintiff in Hardin County and elsewhere. Indeed, the false, libelous, scurrilous and unconscionable falsehoods published by the Defendants were, by Defendant World Net Daily. Com, Inc.'s own admission published to "30 million page views and nearly one million unique visitors every month."

37. Plaintiff avers that all of the acts of the individual Defendants, Hays, Thompson, Brinton, Alexander, Hagelin and John Does A, B, C, D and E and Jane Does A, B, C, D and E were acts committed within the scope of and during the course of their employment as agents, employees and/or reporters of the corporate and business Defendants, Shank, Does D, Savannah Journal, Center for Public Integrity, News Channel 5 Network d/b/a WTVF/Channel 5(Nashville) Decatur County Chronicle, L.L.C., World Net Daily.Com, Inc., Savannah Snitch, and Tennessee River Press, and while acting in their representative and agency capacities for such Defendants and, as a result, the Defendant corporations and publishers are liable for the libels and slanders published by said individual Defendants under *respondeat superior*.

38. At all times herein, the Defendant Hays and Thompson were working as the agents, employees, representatives and/or contracted agents for Defendants, Center for Public Integrity, Shank, Does D, Savannah Journal, World Net Daily.Com, Inc., John Doe E and/or Jane Doe E d/b/a Tennessee River Press, and Savannah Snitch as well as acting in concert or in a joint venture with and for the as yet unidentified Defendants, Jane Does A, B and C and the acts of each of the Defendants are attributed to and imputed to each other.

39. The above Defendant corporations and businesses recklessly failed to exercise even a cursory attempt at reasonable care to prevent the publication of the libels against Plaintiff from being printed, disseminated and broadcast through their media outlets.

40. The Defendants' repeated publications were not based on fact and, in fact, were false and malicious at the time of publication and the Defendants and each of them knew or should have known, in the exercise of reasonable prudence, that such publications were false. Upon information and belief, Plaintiff avers that there were multiple other instances of defamation by Defendants in addition to those specifically set forth hereinafter.

41. Defendants acted maliciously and were motivated to do harm to the Plaintiff.

42. Plaintiff alleges that the Defendant, WorldNetDaily.com., acting by and through its president, Joseph Farah, published the libelous statements made in an article authored by Joseph Farah in October of 2003, a copy of which is attached hereto and incorporated herein by reference.

43. Specifically, the Defendant, WorldNetDaily.com, acting by and through its president, and in an article written by him, published that deputy director Holt of the Tennessee Bureau of Investigation had confirmed that “Jones had allegedly been under investigation by the Tennessee Bureau of Investigation as a drug dealer. Jones vehemently denied dealing drugs but TBI Deputy Director Ed Holt confirmed that such an investigation had taken place.” At the time of this publication, the Defendant, WorldNetDaily.com and, in particular, its president, Joseph Farah, knew that such statement of confirmation was untrue and was recklessly made and with actual malice published such statement.

### **III.**

#### **CAUSES OF ACTION**

##### **A.**

#### **DEFAMATION/LIBEL**

44. Paragraphs 1 through 41 hereinabove are restated herein by reference as if fully set forth.

45. The acts of the Defendants as set forth hereinabove are libelous and libelous *per se* and defamed Plaintiff, causing him to suffer personal injuries, injury to his reputation and professional and business damages for which he is entitled to recover compensatory damages as determined by a jury.

46. The Defendants have been requested, pursuant to T.C.A. §29-24-103 correct, apologize and retract the defamation complained of herein.

47. Defendants, Hays, Thompson, Center for Public Integrity, Brinton, Landmark Television/News Channel 5 Network d/b/a WTVG Channel 5 (Nashville), Charlotte Alexander, Decatur County Chronicle, L.L.C., World Net Daily.Com, Inc., Savannah Journal, and the Tennessee River Press, have refused to publish such retraction, denying any responsibility, thus entitling Plaintiff to recover punitive damages pursuant to T.C.A. §29-24-103, the same to be determined by the jury.

**B.**

**CIVIL CONSPIRACY**

48. Paragraphs 1 through 45 hereinabove are realleged herein by reference as if fully set forth.

49. (A) The acts of these Defendants were unlawful and defamatory and were taken while acting in concert and together for one purpose, unlawful and/or lawful but became an unlawful, tortious conspiracy resulting in harm to Plaintiff.

(B) The Defendants acted for a single and joint purpose, that purpose initially being a lawful purpose in that they wished to be successful in a political campaign by causing the defeat of an individual who was supported by Plaintiff but, thereafter, by illegal and unlawful means, including, but not limited to, the defamation of Plaintiff, intentional infliction of emotional distress on Plaintiff, outrageous conduct, and the making of false, malicious and reckless allegations against the Plaintiff and by violation of the Plaintiff's privacy through false light invasion thereof, the Defendants and each of them committed overt acts in order to carry out the conspiracy and its common purpose, such overt acts being unlawful and illegal, and being defamation, intentional infliction of emotional distress,

outrageous conduct, and invasion of privacy by casting the Plaintiff in a false light. Each of the Defendants had a common design and purpose, acted in concert with another, and each Defendant committed an overt act in furtherance of the common purpose as set forth hereinabove.

50. Plaintiff avers that the Defendants Hays, Thompson, Center for Public Integrity, Savannah Journal, Savannah Snitch, H. J. Maxedon, Tennessee River Press, and World Net Daily.Com, Inc., acted in concert with each other and with others, including John Does A, B, C, D, and E and Jane Does A, B, C, D, and E, in a manner specifically designed to harm and damage the Plaintiff, in his reputation and his business and are, therefore, guilty of the tort of civil conspiracy in violation of Tennessee law resulting in injuries and damages to Plaintiff for which he is entitled to compensatory damages to be determined by a jury.

### C.

#### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGEOUS CONDUCT**

51. Paragraphs 1 through 48 hereinabove are realleged herein by reference as if fully set forth.

52. Plaintiff alleges that the aforementioned wrongs constitute intentional, reckless and/or negligent infliction of emotional distress and are actions by the Defendants that are so outrageous in character, and so extreme in degree, as to be beyond the pale of decency and to be regarded as atrocious and utterly intolerable in civilized society,

thereby resulting in severe emotional, mental, and physical injuries entitling Plaintiff to recover compensatory and punitive damages to be determined by the jury.

**D.**

**FALSE LIGHT INVASION OF PRIVACY**

53. Paragraphs 1 through 50 hereinabove are realleged herein by reference as if fully set forth.

54. The acts of the Defendants and each of them taken separately and in acting in concert as above set forth are tortious conduct in that they placed the Plaintiff in a false light and were a false light invasion of Plaintiff's privacy as recognized in Tennessee.

55. Defendants acting jointly and separately, gave publicity to matters concerning the Plaintiff which were false and/or which placed the Plaintiff before the public in a false light, which were and are highly offensive to any reasonable person, and the Defendants had knowledge that the publicized matters were false or each and all acted recklessly and with reckless disregard as to the falsity of the matter they were publicizing and the false light in which the Plaintiff would be and was placed.

56. As a direct and proximate result of the wrongful acts of the Defendants herein, acting individually and in concert, in a manner specifically designed to harm and damage the Plaintiff and his person, did, by invading his privacy and casting him in a false light commit the tort of false light invasion of privacy causing the Plaintiff to suffer mental and emotional distress and other special damages which he is entitled to recover.

#### IV.

#### DAMAGES

57. Paragraphs 1 through 50 hereinabove are realleged herein by reference as if fully set forth.

58. As a direct and proximate result of the wrongful acts set forth hereinabove by the Defendants and each of them, your Plaintiff, Clark Jones, a respected, law abiding, private citizen, was injured in his person and business and in his personal and business reputation.

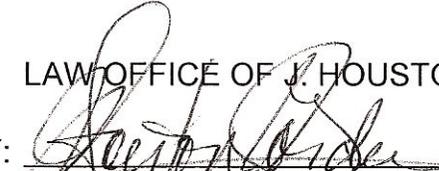
59. As the direct and proximate result of the false, malicious and libelous information published by Defendants about him, Plaintiff has suffered embarrassment, humiliation, and severe psychological, emotional, mental trauma, medical expenses and as well as damage to his personal and business reputation, loss of income, and other compensatory damages in an amount to be determined by a jury.

60. Plaintiff is entitled to recover punitive damages.

WHEREFORE, Plaintiff sues the Defendants, jointly and severally, individually and by imputation for compensatory damages in the amount of FIFTEEN MILLION DOLLARS (\$15,000,000) and punitive damages in the amount of ONE HUNDRED FIFTY MILLION DOLLARS (\$150,000,000) and demands a jury to try this cause when the issues are joined.

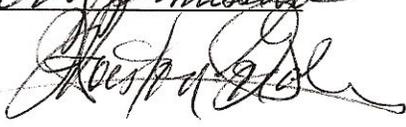
RESPECTFULLY SUBMITTED this the 20<sup>th</sup> day of December, 2004.

LAW OFFICE OF J. HOUSTON GORDON

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BY:  by permission 

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