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CLEAN MASTER
DAVIDSON CO. CHANCERY CT

D.C. 8

CASE 19-644-I

TRIAL BY JURY DEMANDED
(12)

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(12)

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(12)

SUPPLEMENTAL MOTION TO SANCTION

Now comes Petitioner, John Anthony Gentry, *sui juris*, supplementing his Motion To Sanction filed on August 21, 2019. In Petitioner's motion, Petitioner moved the court pursuant to Tenn. R. Civ. P., Rule 34A.02. Petitioner also intended to move the court to sanction pursuant to Tenn. R. Civ. P., Rule 11.03(1)(a).

Rule 11.03(1)(a) provides that if the court determines that subdivision 11.02 has been violated, the court may, subject to conditions stated below (safe-harbor provision) impose and appropriate sanction upon the attorneys, law firms, or parties that violated 11.02 or are responsible for the violation.

As stated in Petitioner's motion, it was impossible for Petitioner to comply with the safe-harbor provision for the following reasons;

Due to the further fact that Respondents tendered their spoliated evidence in violation of Local Rule 26.01 and 26.03(b), as well as in violation of Tenn. R. Civ. P., Rule 12.02 and 56.04, and the further fact of unconstitutional Local Rule, recently revised on July 1, 2019, that restricted Petitioner to only four (4) day response time when he should have had 37 days pursuant to Local Rule 26.03(b), it was impossible for Petitioner to comply with the safe harbor provision stated in Tenn. R. Civ. P. Rule 11.03(1)(a).

Pursuant to Tenn. R. Civ. P. Rule 11.02;

By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, **written motion**, or other paper, **an attorney** or unrepresented party **is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, —**

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denial of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

In this matter, Respondents and their counsel were in violation of Rule 11.02(1) in that they presented their motion to dismiss and supporting memorandum for improper purpose of deceiving this honorable court with falsified and counterfeit evidence. In further violation of 11.02(1), Respondents exploited and circumvented Tennessee and Local Rules of procedure not only to harass but for the malicious purpose of causing further injury and oppression of constitutionally protected rights.

Respondents' motion to dismiss and supporting memorandum were also in violation of Rule 11.02(2) since their motions were not based on existing law and were frivolous. Should this court grant previously filed Motion to Reconsider and reconvene on the matter of the motion to dismiss, Petitioner will prove their motion to dismiss was not based on existing law and was frivolous argument.

Respondents' motion to dismiss and supporting memorandum were also in violation of Rule 11.02(3) and (4) in that their factual contentions did not have evidentiary support and were not warranted on the evidence. The fraudulent and counterfeit version of the Petition of Remonstrance they entered into the record of this court of equity is proof beyond doubt that their factual contentions do not have evidentiary support, nor are warranted on the evidence. *Jus et fraus nunquam cohabitant*; Right and fraud never abide together.

Pursuant to Tenn. R. Civ. P. Rule 11.03(2); **A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated.** Subject to the limitations in subparagraphs (a) and (b), the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, **if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.**

Petitioner alleges that the offenses by the office of the Attorney General, are well practiced, and the court should take measures to defer repetition of such conduct by imposing ORDER, a penalty paid into the court. Moreover, since these offenses were perpetrated by high ranking state officials, including their counsel, shocks the conscious and demoralizes not only the judiciary but the public as well, and sanctions should be severe. Sanctions should be upon

the Respondents themselves and their counsel, not upon the citizens of this state by imposing sanction upon the Office of the Attorney General and payment of sanction by public funds.

Petitioner further moves the court herein and by motion to enter an order directing payment by Respondents and their counsel, to Petitioner for all his expenses incurred in this matter thus far, including the cost of vacation/paid time off that Petitioner had to take to prepare for and attend hearings. The costs incurred by Petitioner nominal by most standards, but are materially significant to Petitioner. Upon favorable ruling in this matter, Petitioner will provide the court, detail of his costs incurred thus far, which include parking fees, postage fees, court reporter fees, lost wages, and printing costs.

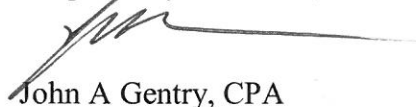
Petitioner has also moved the court to sanction for Spoliation, pursuant to Tenn. R. Civ. P. Rule 34A.02 and to impose sanction(s) provided for in Tenn. R. Civ. P. Rule 37.02.

WHEREFORE, PREMISES CONSIDERED PETITIONER IMPLORES OF THE COURT:

1. For this court to impose Rule 11.03(2) sanctions upon Respondents;
2. For this court to impose Rule 37 sanctions upon Respondents;
3. As sanction, to render judgment by default;
4. Or as sanction, an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
5. Or as sanction, an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence;
6. Or as sanction, an order dismissing or denying Respondents' motion to dismiss;

7. Or as sanction, order treating as a contempt of court, Respondents' fraud upon this honorable court;
8. For this court, "*In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order or the attorney advising the party or both to pay the reasonable expenses...*", with such reasonable expenses to be provided the court, with affidavit, upon favorable and just ruling;
9. For such general and further relief as this Court deems appropriate and just and to which Petitioner is entitled.

Respectfully submitted,



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NOTICE OF HEARING

THIS MOTION HAS BEEN SET TO BE HEARD ON THE COURT'S REGULAR MOTION DOCKET ON FRIDAY, THE 6TH DAY OF SEPTEMBER, 2019 AT 9:00A.M.

IF NO RESPONSE IS TIMELY FILED AND SERVED, THE MOTION SHALL BE GRANTED AND COUNSEL OR PRO SE LITIGANT NEED NOT APPEAR IN COURT AT THE TIME AND DATE SCHEDULED FOR THE HEARING.

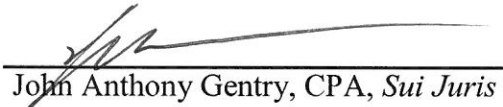
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via email and via Priority US Mail, postage prepaid to;

Janet M. Kleinfelter (BPR 13889)
Deputy Attorney General
Office of the Tennessee Attorney General
P.O. Box 20207
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janet.kleinfelter@ag.tn.gov

Representative Cameron Sexton
Cordell Hull Bldg.
425 5th Avenue North
Suite 604
Nashville, TN 37243

On this the 22nd day of August, 2019


John Anthony Gentry, CPA, *Sui Juris*