

Selected docket entries for case 24–5614

Generated: 05/13/2025 09:56:51

Filed	Document Description	Page	Docket Text
07/09/2024	<u>1</u>		Civil Case Docketed. Notice filed by Appellant Mr. Dennis Philipson. Transcript needed: y. (VLP)
	<u>1</u> Case Opening Letter	3	
	<u>1</u> form(s) sent	6	
07/09/2024	<u>3</u>		LETTER SENT to Mr. Dennis Philipson, directing that the enclosed notice of appeal be signed and returned to this court by 07/23/2024. (VLP)
	<u>3</u> Unsigned NOA Letter	8	
	<u>3</u> Unsigned NOa	9	
07/10/2024	<u>4</u>		SHOW CAUSE order filed to have Appellant Mr. Dennis Philipson show cause for possible jurisdictional defect involving the filing of a late notice of appeal. Response due by 07/31/2024 for Dennis Philipson. (VLP)
	<u>4</u> Show cause order	13	
	<u>4</u> U.S. Mail Notice of Docket Activity	15	
07/11/2024	<u>5</u> showcause response	16	RESPONSE filed to the show cause for jurisdiction – late noa, [4]. Response filed by Party Mr. Dennis Philipson. Certificate of Service: 07/11/2024. (VLP)
07/12/2024	<u>18</u> district court document filed	167	Copy of Amended Notice of Appeal from district court filed 07/12/2024 RE#116. (VLP)
07/15/2024	<u>6</u> exhibit	170	EXHIBIT FILED by Mr. Dennis Philipson consisting of Exhibit G. (VLP)
07/23/2024	<u>8</u> appearance form	210	APPEARANCE filed for Appellee Mid–America Apartment Communities, Inc. by John S. Golwen. Certificate of Service: 07/23/2024. [24–5614] (JSG)
07/26/2024	<u>10</u> appearance form	211	APPEARANCE filed for Appellee Mid–America Apartment Communities, Inc. by Paige W. Mills. Certificate of Service: 07/26/2024. [24–5614] (PWM)
07/29/2024	<u>11</u> signed notice of appeal	212	SIGNED NOTICE OF APPEAL filed by Mr. Dennis Philipson. (VLP)
07/29/2024	<u>12</u>		BRIEFING LETTER SENT setting pro se briefing schedule: appellant brief due 09/10/2024;,. appellee brief due 10/09/2024;,. (VLP)
	<u>12</u> Briefing Letter	215	
	<u>12</u> briefing forms	217	
08/01/2024	<u>13</u> appearance form	219	APPEARANCE filed for Appellee Mid–America Apartment Communities, Inc. by Jordan E. Thomas. Certificate of Service: 08/01/2024. [24–5614] (JET)
08/02/2024	<u>14</u> appellant motion filed	220	Appellant MOTION filed by Mr. Dennis Philipson for Motion for resaonable accomodatrion and regulated interaction with plaintiff appellee's counsel. Certificate of service: 08/01/2024. (VLP)
08/02/2024	<u>15</u> Briefing In Abeyance Letter	241	RULING LETTER SENT to hold briefing in abeyance pending a jurisdictional screening. (VLP)
09/05/2024	<u>16</u>		ORDER filed: The Appeal is DISMISSED for lack of jurisdiction. No mandate to issue, decision not for publication. R. Guy Cole, Jr., Circuit Judge; Chad A. Readler, Circuit Judge and Rachel Bloomekatz, Circuit Judge. (VLP)
	<u>16</u> judge order filed	242	
	<u>16</u> U.S. Mail Notice of Docket Activity	245	

09/05/2024	<u>17</u> entry of judgment	246	ENTRY OF JUDGMENT. (VLP)
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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Kelly L. Stephens
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: July 09, 2024

Mr. Dennis Philipson
P.O. Box 30142
Alexandria, VA 22310

Re: Case No. 24-5614, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*
Originating Case No. 2:23-cv-02186

Dear Mr. Philipson,

This appeal has been docketed as case number **24-5614** with the caption that is enclosed on a separate page. Please review the caption for accuracy and notify the Clerk's office if any corrections should be made. The appellate case number and caption must appear on all filings submitted to the Court.

As the appellant, when you submit motions, briefs or any other documents to the Clerk's office, send only **1** original, which you have signed. Copies are no longer necessary. **Do not staple, paper clip, tab or bind pro se motions or briefs sent to the Clerk's office -- these documents are scanned and staples etc. create paper jams.** You must mail opposing counsel a copy of every document you send to the Clerk's office for filing.

Opposing counsel will docket pleadings as an ECF filer. Check the ECF page on the court's web site www.ca6.uscourts.gov for additional information about ECF filing if you are not familiar with it. The following case opening items are due by **July 23, 2024**. The Disclosure of Corporate Affiliations is now an automated entry. Filers may still use the form 6CA-1 located on the Court's website if the automated entry does not provide sufficient space.

Appellee: Appearance of Counsel
Disclosure of Corporate Affiliation
Application for Admission to 6th Circuit Bar (if applicable)

Enclosed is a transcript order form should you require transcript of a hearing(s) to support your arguments on appeal. If you do order transcript, the form must be filed by **July 23, 2024**. A copy of the form must also be provided to the court reporter along with your payment for the transcript. Please see page 2 of the transcript order for additional information. If transcript is not ordered by this deadline, a briefing schedule will issue.

You have until **August 8, 2024** to either pay the \$605.00 appellate filing fee or file a motion for leave to proceed on appeal in forma pauperis and an accompanying financial affidavit. Either one must be paid/filed with the U.S. District Court. **Failure to do one or the other may result in the dismissal of the appeal without further notice.** If you move for pauper status and the district court denies your motion in part or in full, or if you are otherwise dissatisfied with the district court's ruling, you may renew the motion for pauper status in this court within 30 days of that ruling.

The Clerk's office cannot give you legal advice but if you have questions, please contact the office for assistance.

Sincerely yours,

s/Virginia Lee Padgett
Case Manager
Direct Dial No. 513-564-7032

cc: Mr. John S. Golwen

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 24-5614

MID-AMERICA APARTMENT COMMUNITIES, INC.

Plaintiff - Appellee

v.

DENNIS PHILIPSON

Defendant - Appellant

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Transcript Order for Pro Se Parties

Only parties not represented by counsel may use this form. Attorneys must file transcript orders electronically in CM/ECF. Include on this form all transcripts that you are ordering from *one* court reporter. Use a separate form for each court reporter.

SHORT CASE TITLE	NAME OF DISTRICT COURT	DISTRICT COURT CASE NUMBER
COURT OF APPEALS CASE NUMBER	DATE NOTICE OF APPEAL FILED BY CLERK OF DISTRICT COURT	
	COURT REPORTER	NAME OF ORDERING PARTY

<p>A. Check the applicable provision:</p> <p><input type="checkbox"/> I am ordering a transcript (See Section B)</p> <p><input type="checkbox"/> I am not ordering a transcript</p> <p>Reason for not ordering a transcript:</p> <p><input type="checkbox"/> Transcript is already on file in district court</p> <p><input type="checkbox"/> Transcript is unnecessary for appeal purposes</p> <p><input type="checkbox"/> No Hearings</p>	<p>B. Provide a description, including dates, of the proceedings for which a transcript is required (i.e. oral argument, sentencing, etc.)</p> <p>Method of Payment <input type="checkbox"/> Private Funds <input type="checkbox"/> Other</p>
<p>C. When transcript is funded by the Criminal Justice Act, transcript of the following proceedings will be provided only if specially authorized by the district court</p> <p><input type="checkbox"/> Voir Dire</p> <p><input type="checkbox"/> Jury Instructions</p> <p><input type="checkbox"/> Opening statement of plaintiff</p> <p><input type="checkbox"/> Closing argument of plaintiff</p> <p><input type="checkbox"/> Opening statement of defendant</p> <p><input type="checkbox"/> Closing argument of defendant</p>	<p>D. Deliver transcript to: (Appellant's name, address, telephone)</p>

Failure to specify in adequate detail those proceedings to be transcribed, or failure to make prompt satisfactory financial arrangements for transcript, are grounds for dismissal of appeal.

E. I certify that I have made satisfactory arrangements with the court reporter for payment of the cost of transcript. See FRAP 10(b). I understand that unless I have already ordered the transcript, I shall order its preparation at the time required by FRAP and the Local Rules.	
ORDERING PARTY'S SIGNATURE	DATE

ALLOWANCE BY THE COURT OF LEAVE TO PROCEED IN FORMA PAUPERIS IN A CIVIL APPEAL
DOES NOT ENTITLE THE LITIGANT TO HAVE TRANSCRIPT AT GOVERNMENT EXPENSE.

THIS ORDER FORM MUST BE SENT TO BOTH THE COURT REPORTER AND THE COURT OF APPEALS.

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

INSTRUCTIONS FOR PRO SE PARTIES ORDERING TRANSCRIPT

1. Many appeals do not require a transcript. If you are not represented by an attorney and are ordering transcript related to your appeal, you must complete this form and mail it to the Clerk's Office at this address:

United States Court of Appeal
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

2. You must also provide a copy of this form to the court reporter along with your payment for the transcript.
3. Complete a separate form for each court reporter from whom you are ordering transcript. Do not include more than one court reporter on an order form.
4. If you have filed a proper transcript order form, the court of appeals clerk will forward the transcript order to the court reporter for processing. However, *you* must contact each court reporter from whom you are ordering transcript, provide a copy of this order, and pay for the transcript.
5. The court reporter will charge you the necessary fees for transcript. The court reporter may require you to pay all fees before beginning work on the transcript.
 - **NOTE:** Being granted pauper status by the district court or leave to appeal *in forma pauperis* does **not** automatically entitle you to a free transcript.
 - If you believe that you are entitled to transcript without paying the fee, you must file a motion for transcript at government expense, demonstrating that you are indigent *and* that the appeal is not frivolous but presents a substantial question.
6. Failure to arrange for payment of transcript, to properly order transcript, or to meet other court deadlines can result in the dismissal of your appeal.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Kelly L. Stephens
Clerk

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Tel. (513) 564-7000
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Filed: July 09, 2024

Mr. Dennis Philipson
P.O. Box 30142
Alexandria, VA 22310

Re: Case No. 24-5614, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*
Originating Case No. 2:23-cv-02186

Dear Mr. Philipson,

Your notice of appeal was received in the district court without your handwritten signature. Please sign and return *to this Court* the enclosed copy of your notice of appeal. The deadline for returning this document to the above address is **July 23, 2024**.

Failure to comply may result in the dismissal of this appeal without further notice.

Sincerely yours,

s/Virginia Lee Padgett
Case Manager
Direct Dial No. 513-564-7032

cc: Mr. John S. Golwen

Enclosure

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION**

Plaintiff,

MID-AMERICA APARTMENT
COMMUNITIES, INC
(MAAI & MAA-PI),
MID-AMERICA APARTMENT
COMMUNITIES, LLC.,
MID-AMERICA APARTMENTS L.P
(MAA)

Alabama

CPSI, LLC
CPSI-UCO Spanish Oaks, LLC
CPSI-UCO, LLC
Highway 31 Alabaster Two, LLC
Highway 31 Alabaster, LLC

Delaware

10th Apartments, LLC
1499 Massachusetts Avenue, Inc.
1499 Massachusetts Holding, LLC
CC Daybreak, LLC
CC Val Vista, LLC
CC West Midtown, LLC
Colonial Commercial Contracting, LLC
Colonial Construction Services, LLC
Heathrow 4, LLC
MAA Alloy, LLC
MAA Arkansas REIT, LLC
MAA Holdings, LLC
MAA WWARRS, LLC
Post Carlyle II, LLC
Sand Lake 2019, LLC
Stone Ranch at Westover Hills, LLC

Florida

MAA Westshore Exchange LLC

Georgia

3630 South Tower Residential, LLC
98 San Jac Holdings, LLC
PAH Lender, LLC
Park Land Development, LLC
PBP Apartments, LLC
PF Apartments, LLC
PL Conservation, LLC
Post 1499 Massachusetts, LLC
Post Alexander II, LLC
Post Asset Management, Inc.
Post Carlyle I, LLC
Post Centennial Park, LLC
Post Corners, LLC
Post Galleria, LLC
Post Hyde Park, LLC
Post Midtown Atlanta, LLC
Post Midtown Square GP, LLC
Post Midtown Square, L.P.
Post Park, LLC
Post Park Development, LLC
Post Parkside at Wade II GP, LLC
Post Parkside at Wade II, L.P.
Post Services, LLC
Post South End GP, LLC
Post South End, L.P.
Post Wade Tract M-2, L.P.
Rise Condominium Development, LLC

Tennessee

Brighter View Insurance Company, LLC
Mid-America Apartments, L.P.

Texas

Akard-McKinney Investment Company, LLC
MAA of Copper Ridge, Inc.

v.

DENNIS MICHAEL PHILIPSON,
Defendant.

No. 2:23-cv-2186-SHL-cc

Notice of Appeal to the United States Court of Appeals for the Sixth Circuit

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

To the Clerk of the Court and all parties concerned:

Notice is hereby given that Dennis Michael Philipson, the Defendant in the above-captioned case, intends to appeal to the United States Court of Appeals for the Sixth Circuit from the final judgment entered in this action by the United States District Court for the Western District of Tennessee on May 6, 2024, and all interlocutory orders leading to the judgment. This notice is to inform the Court of the Defendant's intention to challenge the decision based on claims of judicial error, procedural irregularities, and violations of constitutional rights that critically affected the fairness and integrity of the trial proceedings.

The grounds for the forthcoming appeal include, but are not limited to:

1. **Judicial Misconduct and Bias:** The trial was marred by evident judicial misconduct and bias, where the presiding judge exhibited clear partiality towards the Plaintiff, disregarding standard judicial procedures and the fundamental principles of fairness. The involvement of the judicial law clerk, who previously worked with Plaintiff's law firm, raised unresolved conflicts of interest.
2. **Procedural Irregularities and Abuse of Process:** The court engaged in procedural irregularities, including the mishandling of evidence and misuse of subpoenas, which undermined the integrity of the

judicial process. Key decisions were made without sufficient evidence, and the sanctions imposed were disproportionately severe and not supported by the facts of the case.

3. **Violation of Constitutional Rights:** The Defendant's constitutional rights, including the right to a fair trial and due process, were compromised. The court's failure to allow adequate time for preparation and response to the Plaintiff's motions denied the Defendant the opportunity to effectively participate in his defense.
4. **Erroneous Legal Rulings:** The court made several erroneous legal rulings, particularly concerning the application of the law regarding sanctions, permanent injunctions, and the interpretation of actions as constituting trademark infringement and cyber harassment.

The Defendant will proceed with filing the formal Notice of Appeal in accordance with the rules and timeline stipulated by the Federal Rules of Appellate Procedure.

Dated this 3rd day of July, 2024.

Respectfully submitted,

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

6178 Castleton Way

Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2024, a true and correct copy of the foregoing Notice of Intent to Appeal was served via electronic mail and United States Postal Service upon the following:

Counsel for Plaintiff:

Bass, Berry & Sims PLC

/s/ Paige Waldrop Mills

Paige Waldrop Mills, BPR. No. 016218

BASS, BERRY & SIMS PLC Suite 2800; 150 3rd Ave. South Nashville, Tennessee 37201 Tel: 615-742-6200

pmills@bassberry.com

/s/ John Golwen_____

John Golwen, BPR. No. 014324 Jordan Thomas, BPR. No. 039531 BASS, BERRY & SIMS PLC 100 Peabody Place, Suite 1300 Memphis, Tennessee 38103 Tel: (901) 543-5903

Fax: (615) 742-6293

jgolwen@bassberry.com Jordan.thomas@bassberry.com

Counsel for Mid-America Apartment Communities, LLC

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

No. 24-5614

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Jul 10, 2024

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT COMMUNITIES,)
INC.)

Plaintiff-Appellee,)

v.)

DENNIS PHILIPSON)

Defendant-Appellant.)

ORDER

This matter is before the court upon initial review of the notice of appeal. The district court entered its judgment on May 6, 2024. The notice of appeal filed on July 3, 2024, is late.¹ *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a), 26(a).

The record indicates that Dennis Philipson has not moved in the district court for an extension of time to appeal under Federal Rule of Appellate Procedure 4(a)(5), or for reopening of the time to appeal under Federal Rule of Appellate Procedure 4(a)(6). Unless such a motion is filed in and granted by the district court, this court will be required to dismiss the appeal.

It is therefore ordered that Philipson show cause in writing not later than 21 days from the date of this order why the appeal should not be dismissed for failure to comply with 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a).

¹ The notice of appeal also fails to contain the handwritten signature of the appellant. *See* Fed. R. Civ. P. 11(a). This court sent the appellant a letter dated July 9, 2024, with instructions as to how to correct that error.

No. 24-5614

- 2 -

It is further ordered that the briefing schedule be held in abeyance.

ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT


Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 07/10/2024.

Case Name: Mid-America Apartment Communities, Inc. v. Dennis Philipson

Case Number: 24-5614

Docket Text:

SHOW CAUSE order filed to have Appellant Mr. Dennis Philipson show cause for possible jurisdictional defect involving the filing of a late notice of appeal. Response due by 07/31/2024 for Dennis Philipson.

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Mr. Dennis Philipson
P.O. Box 30142
Alexandria, VA 22310

A copy of this notice will be issued to:

Mr. John S. Golwen
Ms. Wendy R. Oliver

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

RECEIVED

07/11/2024

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

Response to Order to Show Cause
(July 10, 2024)

To the Honorable Judges of the Sixth Circuit Court of Appeals,

I, Dennis Philipson, Defendant-Appellant, respectfully submit this response to the Show Cause Order dated July 10, 2024, concerning the purportedly late filing of my notice of appeal. This response provides a detailed chronology and context of events and judicial interactions that I believe were strategically employed to impede my timely right to appeal. Specifically, the order issued on May 6th, which prohibited me from disseminating information regarding Mid-America Apartment Communities, Inc. (MAA), was part of a broader legal tactic intended to delay or prevent my appeal under the guise of procedural diligence.

Furthermore, the ongoing litigation alleging trademark infringement and harassment appears to be a calculated effort to undermine my whistleblower activities against MAA from 2021 through 2024. The aim is to extract sensitive evidence I had previously submitted to federal authorities and complaints to the Board of Professional Responsibility. The opposing counsel's actions are designed to silence my dissent and leverage judicial processes against me. I provide extensive details in my "Motion for Entry of Judgment to Terminate Proceedings Due to Perceived Procedural Misconduct, Judicial Bias, and Whistleblower Retaliation by Mid-America Apartment Communities, Inc., Employees, and Affiliates" (See Docket 106, including Exhibits A through E, filed June 24, 2024).

Escalation of Procedural Concerns:

To address procedural challenges encountered during my case, I took multiple steps to ensure proper protocol was followed and concerns were adequately voiced. Initially, I reported my issues directly to the presiding judge, adhering to the expectations set forth by judicial conduct guidelines. This direct approach is intended to resolve the problems at their source, respecting the hierarchy and established protocols within the judicial system.

Despite these efforts, the response to my complaints was insufficient, prompting me to escalate the matter to higher oversight bodies, including the circuit executive. This escalation adhered to procedural norms that advocate for first reporting to immediate judicial authorities and seeking further intervention only when necessary.

Additionally, recognizing the potential gravity of procedural missteps, I filed several complaints with the FBI through their online complaint tip line and by email, as documented in (*Exhibit C, attached to this Docket entry*). These filings were necessary to ensure that appropriate federal authorities thoroughly investigated all procedural irregularities.

For a comprehensive record of these efforts and the related documentation, see (*Exhibit G, attached to this docket entry*). This exhibit details all correspondence related to the filing and handling of my complaints, illustrating my commitment to adhering to judicial protocols and ensuring accountability at all levels of the judicial process.

Additional Concerns Regarding Misuse of Judicial Orders: I contend that MAA, Mid-America Apartment Communities, Inc., and LLC are exploiting this court order to prevent agencies such as the Federal Trade Commission (FTC), Equal Employment Opportunity Commission (EEOC), Securities and Exchange Commission (SEC), and Department of Housing

and Urban Development (HUD), and perhaps other agencies from providing me with information. I have attempted to FOIA this information to file a retaliation lawsuit, but I have been met with substantial delays. By presenting this court order to these agencies, MAA aims to obstruct my access to information generally disclosed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. This action also hampers my ability to disseminate crucial public information. It infringes upon my civil rights by effectively barring these agencies from fulfilling legitimate FOIA requests, thereby violating principles upheld by the First Amendment to the United States Constitution. Such discriminatory actions against a whistleblower could also be seen as an infringement of Title VI of the Civil Rights Act, as they unjustly hinder my right to access public records based on my whistleblower activities (*see Docket No 97, filed on May 6*). A thorough review of the entire docket will likely reveal judicial misconduct and abuse of power and highlight significant conflicts of interest. Of particular concern is the relationship between the judicial law clerk, who was previously an attorney at Bass, Berry, and Sims PLC, and the opposing counsel, John Golwen, with whom he collaborated on cases as recently as 2020. Mr. Kapellas also worked at Bass, Berry, and Sims PLC from 2015 to 2020 and served as a judicial law clerk at the United States District Court for the Western District of Tennessee from 2014 to 2015 and again from 2020 to the present. Additionally, Mr. Kapellas and Attorney Paige Waldrop Mills are involved in another case, No. 2:24-cv-02199-SHL-atc. These connections raise serious questions about the impartiality of the judicial proceedings in my case. (*See Exhibit A, attached to this docket entry*).

Given these circumstances, I urge the court to consider the implications of these conflicts and tactics on the fairness of the proceedings and the timeliness of my appeal.

1. Timeline and Events:

Judgment and Appeal Timing Confusion: The district court's judgment was entered on May 6, 2024. However, significant ambiguity surrounding the finality of this judgment prompted me to file a Motion for Entry of Judgment on June 24, 2023 (*See Docket 106, including Exhibits A through E, filed on June 24*). This motion elaborated on several areas of misconduct throughout the court, highlighted the lack of sufficient cause for naming me as a defendant, and provided detailed arguments regarding these issues. Despite these efforts to clarify and finalize the judgment, further actions by opposing counsel, precisely the "Motion for Extension of Time to File - Motion for Brief Extension to File Supplemental Description" (*See Docket No. 108, filed on June 27*), approved immediately on the same day (*See Docket No. 107, filed on June 27*), have perpetuated the uncertainty regarding the judgment's finality. This ongoing ambiguity has hindered my ability to file a timely and informed appeal.

Final Bill Request Misinterpretation: On June 13th, I emailed the court, seeking a clear final judgment or "a bill" to understand all associated legal costs before proceeding with an appeal. During this communication, I also shared my observations about the case, not intending for this email or information to be for the docket. I felt the actions were unethical and wondered if the court provided ethics training. I was not seeking legal advice, so Merley is stating my observations. Despite this, court personnel tried several times to have me include a cover sheet so this could be added to the docket. I did not comply and stated these were my observations, and they decided to add the email and attachments anyway. Additionally, they extensively justified why Michael Kapellas, a former employee of the opposing counsel's firm and now acting as the Judicial Law Clerk, was not required to recuse himself (*See Docket No 103, filed on June 21*). This was in response to my concerns about his involvement, evidenced by metadata indicating

that he authored at least seven orders against me. This series of interactions led to additional, unnecessary docket entries that further complicated the procedural status of the case and obscured the timing for an appropriately informed appeal. Attorney Paige Waldrop Mills also wrote in the docket that I cannot question the judge's hiring decision, even though Mr. Kapellas actions were bias and they did not think I would uncover he was behind the authoring of orders.

2. Procedural Irregularities and Judicial Concerns:

Misinterpretation and Misuse of Subpoena: On April 3rd, I was designated as a witness in a trademark infringement case. Initially, the subpoena presented to the court did not list my known email addresses. However, Attorney Paige Mills later altered the subpoena to include my email addresses known to MAA—Mphillyd@gmail.com and Phillydee100@gmail.com—based on her assumption that the accounts were inactive from a temporary auto-response email. This assumption and the subsequent modification of the subpoena were also communicated to the SEC through a TCR, potentially violating Federal Rule of Civil Procedure 45(d)(3)(A)(ii), which mandates that a subpoena must avoid imposing undue burden or expense (*See Docket No. 106, Exhibit E, filed June 24*).

On April 29th, I received an email from Google notifying me of a subpoena demanding my email records. Upon reviewing the subpoena provided by Google against the one filed in court, I discovered it had been altered to include my known email addresses without my prior knowledge or consent, prompting me to file a motion to quash. Despite clear grounds for my challenge, Ms. Mills expressed confusion in her docket entries, questioning why I would object to such a subpoena, not knowing I was aware of the alteration.

On May 9th, Attorney Mills, inappropriately subpoenaed my ISP records from Verizon,

presumably using data illicitly obtained from a previously altered subpoena or another means, but not part of anything that would tie me to being the alleged author of the website (*See Exhibit D, attached to this docket entry*). This action was particularly concerning as I had not been named a defendant then. On June 13th, Ms. Mills updated the legal complaint to assert that my involvement in creating a website allegedly infringing on trademark rights made me the sole defendant. This update relied on my email and ISP records from the questionably issued subpoena.

According to records from the website host WIX, provided by the opposing counsel, my IP address was cited as evidence. However, this connection was established using data from the inappropriately obtained subpoenas, raising substantial concerns about the legitimacy and integrity of the evidence. Such evidence gathering and subsequent claims were premature and potentially fallacious, violating the standards set by Federal Rule of Civil Procedure 11. This rule mandates factual validation for all assertions made in legal filings, ensuring that claims are grounded in truth and supported by legitimate evidence.

The reliance on potentially tainted evidence to assert my involvement mirrors issues highlighted in the landmark case Securities and Exchange Commission v. CMKM Diamonds, Inc., where similar failures to substantiate claims led to legal sanctions. The misuse of subpoena power here suggests a significant procedural fault that undermines the integrity of the legal process and imposes undue prejudice against me, meriting serious judicial scrutiny and potential corrective action.

3. Bias and Conflict of Interest: Judicial and Attorney Misconduct

In November 2023, an in-depth review of metadata related to judicial orders revealed that

Michael Kapellas authored at least six pivotal orders affecting my case. His prior employment at the opposing counsel's firm, Bass, Berry, and Sims PLC, where he served for over five years until 2020, was especially concerning. This ongoing connection was evident from his name still being listed on the firm's website and his active professional email, creating a direct violation of Federal Rule of Civil Procedure 28 and Canon 3 of the Code of Conduct for United States Judges. These regulations demand that judges and judicial clerks uphold independence and impartiality, avoiding any impropriety or the appearance thereof in their conduct (*See Exhibit A, attached to this docket entry*).

The conflict of interest was further compounded when I discovered in May 2024 that Mr. Golwen and Mr. Kapellas had worked together on several cases at Bass, Berry, and Sims PLC as recently as 2020. I emailed this critical information in early July after the court dismissed my initial concerns about a conflict of interest in "Order Addressing Email to The Court" (*See Docket No 103, filed on June 21*). The late revelation of their prior collaboration underscores a substantial conflict of interest that could unduly influence the judicial proceedings in my case.

Abuse of Power and Procedural Irregularities:

The judicial actions commenced with Judge Lipman's threat of contempt and arrest on March 19 (*See Docket No 94*). This escalated into a ruling on sanctions and a permanent injunction on April 15 (*See Docket No 97*). These actions, executed without a comprehensive and fair hearing, indicate an abuse of judicial power and violate Federal Rule of Civil Procedure 28 and Canon 3 by failing to ensure impartiality and appropriate judicial conduct.

This rapid escalation from threats to punitive measures without adequate deliberation highlights a misuse of judicial authority. It necessitates immediate scrutiny and correction under the Federal

Rule of Appellate Procedure 4(a), which empowers appellate courts to correct errors when procedural missteps at the district court level are apparent.

Intimidation Tactics Used in the Case

Throughout this litigation, I have faced numerous intimidation tactics that I believe violate both my legal rights and federal court rules designed to protect against undue harassment and abuse of the legal process:

1. **Introduction of Additional Legal Counsel:** On April 28, John Golwen and Jordan Thomas filed a Notice of Appearance, increasing the legal pressure against me. Their entry, while standard, raises concerns under Federal Rule of Civil Procedure 11, which requires filings to be made for proper purposes, suggesting that multiplying the proceedings may be intended to overwhelm or harass. (*See Docket No. 11 & 12, filed on April 28*)
2. **Invasive Document Requests:** Requests for all evidence I provided to government agencies about MAA and its employees, protected under whistleblower protections, and demands for information given to the Board of Professional Responsibility are overly broad and potentially abusive. Such tactics may violate Federal Rule of Civil Procedure 26(g), which requires attorneys to stop and think before they request the production of information, ensuring that it is not unduly burdensome or for an improper purpose (*See Exhibit B, attached to this Docket entry*).
3. **Judicial Coercion:** The case has been marked by numerous threatening court orders, threats of contempt, arrests, and sanctions. This approach could be seen as abuse under Federal Rule of Civil Procedure 37(b), intended to deter discovery abuses, not to be used as a weapon to intimidate or harass the opposing party.

4. **Harassment Through Legal Processes:** Subpoenaing my wife and sending a uniformed badged “agent” process server to our house multiple times constitutes a misuse of legal processes and could be challenged under Federal Rule of Civil Procedure 45(d)(1). This rule protects persons subject to subpoenas from undue burden and expense and is meant to prevent using subpoenas as a form of legal harassment. (*See Docket No. 106, Exhibit C, filed June 24*).
5. **Intense Deposition Tactics:** On October 30, I was subjected to a grueling six-hour deposition, during which a large camera was prominently placed to record the entire session. The questioning was persistently aggressive, seemingly aimed at pressuring me into making admissions. Additionally, opposing counsel referenced my five-star Google reviews as supposed evidence of my attempts to intimidate MAA employees. These tactics appear to be absurd and unfounded, potentially violating Federal Rule of Civil Procedure 30(d)(3), which allows for the termination of a deposition if it is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent. Such conduct suggests an improper purpose, aiming to harass and intimidate rather than to uncover relevant information.
6. **Harassment Through Excessive Legal Communications:** The case has been characterized by an overwhelming frequency of mailings and emails, which I perceive as a strategy to harass and intimidate. This includes unnecessary daily mailings and the strategic timing of communications, such as sending emails late on Friday nights, presumably to create additional pressure and stress. Additionally, I have been bombarded with numerous subpoenas demanding extensive personal information, including emails, cell phone records, and banking details. These actions go beyond what is reasonable for legal proceedings and seem designed to overwhelm and harass rather than to gather relevant information as per legal standards. This practice may infringe upon the principles outlined in Federal Rule of Civil Procedure 26(g), which requires that discovery

requests be made reasonably and for a proper purpose, not to annoy, embarrass, or oppress the opposing party (*See Docket No. 106, Exhibit C, filed June 24.*

7. **Denial of Reasonable Accommodations:** Ignoring my requests for reasonable accommodations could reflect a disregard for Federal Rule of Civil Procedure 1, which aims to ensure that proceedings are conducted fairly, efficiently, and without undue cost, balancing the court's responsibility to dispense justice with protections against abusive practices (*See Docket No. 94, filed March 19*).
8. **Failure to Provide Notices and Cancellation of Trial:** Despite my explicit requests for notices and essential communications to be mailed to me due to secure communication needs and frequent traveling, I was not provided with critical notices, including requests to show cause. This oversight deprived me of the opportunity to respond appropriately and prepare for proceedings, thus undermining my right to a fair judicial process. Additionally, the entire case has been marked by bias, speculation, and what appears to be retaliatory actions by the other party, culminating in the striking of my trial entirely. This action not only deprived me of a fundamental judicial forum to hear my case but may also constitute a misuse of Federal Rule of Civil Procedure 41(b), which governs involuntary dismissals and mandates that such drastic measures not be used arbitrarily or as a punitive measure without clear and justifiable cause. (*See Docket No. 98, filed May 17*).
9. **Misrepresentation by Expert Testimony:** Employing an "expert" who claims that I am harassing MAA and "hacking" into their system could be challenged under Federal Rule of Evidence 403. This rule permits excluding evidence deemed unfairly prejudicial, misleading, or more detrimental than informative. The expert alleges that my IP address was tied to password reset requests and harassing email activities, identified through packet analysis via a VPN.

However, the reliability of this method is highly questionable in a forensic context.

Technically, VPNs use encryption protocols such as NordVPN, Norton or WireGuard that encapsulate data packets within secure tunnels, obfuscating both the source and destination IP addresses. This type of encryption makes it extremely difficult, if not impossible, to conclusively identify the origin of the traffic as it masks true geolocation and personal identifiers. The expert's reliance on such data to attribute actions directly to me lacks foundational forensic validity, given the shared nature of VPN IP addresses and the inability of packet sniffing to decrypt the contents or backtrack to a definitive user without additional corroborative data from the VPN provider, which typically is not retained in adherence to no-log policies.

Legal analysis under the Computer Fraud and Abuse Act (CFAA), 18 U.S.C. § 1030, suggests that mere IP address identification, primarily through a VPN, does not constitute sufficient evidence of unauthorized access or intent to harm, which are necessary elements for a hacking charge. Furthermore, the claim regarding password resets as indicative of criminal activity does not meet the threshold of "unauthorized access" since resetting passwords without more does not demonstrate trespass into protected systems as per the CFAA.

The expert's speculative declarations are biased and lacking in scientific grounding, potentially misleading the court and skewing the judicial process. Moreover, another statement from a long-time employee, Alex Tartera, should be critically examined in light of MAA's past significant security flaws and an undisclosed data breach in 2019. Such background casts doubt on the reliability of internal assertions and purported evidence of malicious activity from an IP address identified through a compromised network (See Docket No. 85, Exhibit A, filed January 25).

10. **Legal Manipulations:** The involvement of Mr. Noel, a distinguished attorney with substantial legal accolades, in the drafting of a declaration related to the docket was part of my response to

the procedural tactics employed by the opposing counsel. This strategy leverages the mechanisms of Federal Rule of Civil Procedure 15(a), which governs amended and supplemental pleadings, potentially impacting the integrity of the proceedings. Recognizing the significance of Mr. Noel's role, I took proactive steps by communicating directly with him regarding the matter. Additionally, I contacted the Tennessee Bar Association and filed a complaint with the Professional Board of Responsibility to ensure that all actions were transparent and within ethical bounds (*Docket No. 112 filed July 5; Exhibit E attached to this Docket entry*).

These steps were necessary to address potential distortions in the factual record and to safeguard the proceedings against undue influence. By informing Mr. Noel and relevant professional bodies, I aimed to maintain the fairness and impartiality of the legal process. This action underscores the importance of vigilance in legal practice, particularly in complex cases where procedural manipulations can subtly influence outcomes. The involvement of respected legal figures like Mr. Noel should be accompanied by informed oversight to prevent any misuse of their stature in the litigation process.

11. Exposure of Personal Information: My emails and address have been widely circulated online, leading to highly questionable and unsolicited contact from an inmate through GettingOut.com, who wished to initiate a conversation (*See Exhibit F, attached to this Docket entry*). Although the inmate claimed to have accessed my contact information through Lexis Nexis, the proximity of Laurel County Correctional Center to Tennessee raises significant concerns regarding how my personal information was obtained and disseminated. This situation may implicate the Federal Rule of Civil Procedure 5.2, which requires redacting personal identifiers to protect privacy and security.

12. Public Disclosure of Whistleblower Complaints: On July 8th, 2024, Ms. Mills inappropriately

published my internal whistleblower complaints that I had submitted within MAA to the public docket. This breaches my confidentiality and exposes me to potential retaliation and public scrutiny, contrary to the protections intended under whistleblower laws such as the Sarbanes-Oxley Act. This Act protects whistleblowers in publicly traded companies from retaliation for reporting fraudulent activities, as affirmed in *Welch v. Chao*.

Furthermore, this action violates the Federal Rule of Civil Procedure 26(c), which allows a court to issue protective orders to shield parties from annoyance, embarrassment, oppression, or undue burden. The Supreme Court case *Seattle Times Co. v. Rhinehart* supports the broad authority of courts to seal documents containing sensitive information.

Additionally, the Dodd-Frank Act, which enhances protections for whistleblowers, underscores the legal obligation to protect such individuals, as seen in *Asadi v. G.E. Energy (USA), LLC*.

Ms. Mills's unauthorized disclosure not only undermines these legal safeguards but also raises serious concerns about the impartiality and integrity of judicial proceedings in my case.

Immediate action is necessary to rectify these breaches and uphold the principles of justice and whistleblower protection (*See Docket No. 113, Exhibit J, filed July 8*).

Grounds for Extension and Reconsideration Based on Federal Rules of Appellate

Procedure:

In light of the complexities and unique procedural challenges presented in this case, an in-depth legal analysis substantiates the necessity for reconsideration and extension under the Federal Rules of Appellate Procedure:

1. **Equitable Tolling and Exceptional Circumstances (Fed. R. App. P. 4(a)(5), 26(a)):** The doctrine of equitable tolling supports extending procedural deadlines in situations where litigants

have been prevented from filing on time due to extraordinary circumstances beyond their control. The principle of equitable tolling is well-established in federal jurisprudence and is explicitly provided for under the Federal Rule of Appellate Procedure 4(a)(5). This case presents a compelling tableau of such circumstances, including significant judicial confusion and documented instances of potential judicial misconduct. Given these factors, a rigorous application of equitable tolling is justified and required to maintain the integrity of the judicial process. The precedent set by the Supreme Court in *Holland v. Florida* affirms the application of equitable tolling in situations where strict adherence to standard deadlines would inequitably undermine substantive rights.

2. **Need for Fair Review and Adherence to Due Process (Fed. R. App. P. 4(a)(6)):** The spirit of Federal Rule of Appellate Procedure 4(a)(6) is to ensure that every litigant is afforded a fair opportunity for review, which is fundamental to the due process of law. This provision is particularly pertinent in cases where procedural anomalies, such as the lack of formal notice regarding the entry of judgment, may cause unjust prejudice. This case reflects a broader systemic failure to maintain procedural integrity, highlighted by the absence of a handwritten signature on the notice of appeal—a requirement underscored by Federal Rule of Civil Procedure 11(a). The omission of such a signature raises serious concerns regarding the procedural validity of the filings and, by extension, the entire appellate process. This issue, while seemingly procedural, touches on the core principles of justice and equity enshrined in our legal system.
3. **Judicial Discretion and Oversight (Fed. R. Civ. P. 11(a), 28 U.S.C. § 2107(a)):** The lack of handwritten signatures on judicial orders, while potentially permissible, raises questions about procedural regularity in this specific case, especially given the other documented irregularities and allegations of judicial misconduct. This situation necessitates carefully exercising judicial

discretion to ensure fairness and prevent a miscarriage of justice. Courts have the authority and responsibility to ensure that procedural rules are applied flexibly, as needed, to achieve a just outcome.

Conclusion: The confluence of extraordinary circumstances, including crucial procedural deviations and significant indications of judicial and clerical errors, compels a reevaluation of the appealed decision. The federal judiciary holds the fair and impartial administration of justice as paramount and must act decisively when procedural fairness is compromised. It is incumbent upon the court to employ its discretionary powers judiciously to ensure that the appellant is not prejudiced by irregularities undermining the foundations of justice and due process. As such, a comprehensive review and reconsideration of the case are not only justified but required to uphold the integrity and fairness of the judicial process.

Respectfully submitted,
Dennis Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Philipson', with a stylized, flowing script.

Defendant-Appellant
Dated: July 11, 2024
Dphilipson1982@yahoo.com
6178 Castletown Way
Alexandria, VA 22310

Citation Page**Case Law:**

- *Holland v. Florida*, 560 U.S. 631 (2010): U.S. Supreme Court decision establishing that equitable tolling may be applied to extend deadlines in extraordinary circumstances, such as the alleged judicial misconduct and procedural irregularities in this case.
- *Seattle Times Co. v. Rhinehart*, 467 U.S. 20 (1984): U.S. Supreme Court case affirming the court's authority to issue protective orders to safeguard sensitive information, supporting the Defendant's request for protection of his whistleblower complaints.
- *Securities and Exchange Commission v. CMKM Diamonds, Inc.*, No. 2:05-cv-01158-LDG-PAL (D. Nev. Aug. 14, 2008): District court case where sanctions were imposed for frivolous filings and lack of factual inquiry, setting a precedent for potential sanctions against the Plaintiff's attorney in this case.
- *Welch v. Chao*, 536 F.3d 269 (4th Cir. 2008): Fourth Circuit decision upholding Sarbanes-Oxley Act protection for whistleblowers reporting corporate fraud, supporting the Defendant's claim of retaliation for reporting fraud at MAA.
- *Asadi v. G.E. Energy (USA), LLC*, 720 F.3d 620 (5th Cir. 2013): Fifth Circuit decision supporting the Dodd-Frank Act's anti-retaliation provisions for whistleblowers who report securities law violations, applicable to the Defendant's reporting of alleged violations to the SEC.

Federal Statutes:

- **28 U.S.C. § 2107:** Time for appeal to court of appeals. This statute establishes the time limit for filing a notice of appeal, relevant to the Defendant's request for an extension due to exceptional circumstances.

- **5 U.S.C. § 552 (Freedom of Information Act - FOIA):** Grants public access to federal agency records, supporting the Defendant's claim that the Plaintiff is misusing the court order to block FOIA requests.

Constitutional Provisions:

- **First Amendment to the United States Constitution:** Guarantees freedom of speech and the press, relevant to the Defendant's argument that the Plaintiff's actions are silencing his whistleblowing activities.

Federal Rules:

- **Federal Rules of Civil Procedure (FRCP):**
 - **Rule 11:** Requires good faith and factual basis in court filings.
 - **Rule 15:** Governs amendments to pleadings.
 - **Rule 26:** Governs discovery.
 - **Rule 37:** Addresses sanctions for discovery violations.
 - **Rule 41:** Governs dismissal of actions.
 - **Rule 45:** Governs subpoenas.
 - **Rule 5.2:** Requires redaction of personal identifiers in court filings.
- **Federal Rules of Appellate Procedure (FRAP):**
 - **Rule 4:** Governs timing and procedure of appeals.
- **Federal Rules of Evidence (FRE):**
 - **Rule 403:** Allows exclusion of evidence if more prejudicial than probative.

Other:

- **Code of Conduct for United States Judges:** Ethical standards for judges, relevant to the Defendant's allegations of judicial misconduct due to a conflict of interest.

- **Sarbanes-Oxley Act:** Protects whistleblowers in publicly traded companies from retaliation for reporting corporate fraud.
- **Dodd-Frank Act:** Enhances protections for whistleblowers who report violations of securities laws.
- **Title VI of the Civil Rights Act:** Prohibits discrimination in federally funded programs, potentially applicable if the Defendant's access to public records is hindered due to his whistleblowing.

Exhibit A

Metadata and Judicial Orders Involving Michael Kapellas: Pages 2-7 detail Michael Kapellas's involvement in drafting and authoring orders in this case.

Professional Background of Michael Kapellas at Bass, Berry & Sims: LinkedIn and Company website are covered on pages 8-20.

Cases Involving John Golwen and Michael Kapellas in 2020: Documentation of cases where John Golwen and Michael Kapellas collaborated are presented on pages 21-24.

Current Case Details Involving Michael Kapellas and Paige Mills: An ongoing case where both Michael Kapellas and Paige Mills are involved is provided on pages 25-27.

Michael Kapellas Orders:

40 – 9/7/2023 - ORDER DENYING MOTION TO RESCHEDULE SCHEDULING CONFERENCE

57 – 10/4/2023 - ORDER REQUIRING PLAINTIFF TO FILE NOTICE

60 – 10/5/2023 - ORDER DENYING MOTION TO COMPEL AND MOTION FOR EXPEDITED DISCOVERY OF SUBPOENA RESPONSES AND ITEMIZATION OF DAMAGES

67 – 11/1/2023 - ORDER GRANTING MOTION FOR PROTECTIVE ORDER (Same day as Attorney General lawsuit against RealPage and MAA announced)









69 – 11/6/2023 - ORDER DENYING MOTION TO DISMISS (appears to be written by opposing counsel, against local court rules)

90 – 2/8/24 - ORDER FOR DEFENDANT TO SHOW CAUSE

91 – 2/13/24 - ORDER FOR DEFENDANT TO SHOW CAUSE

94 – 3/19/24 - ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR CONTEMPT AND SANCTIONS, GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION, DENYING DEFENDANT'S REQUEST TO CONTINUE MEDIATION, REQUIRING DEFENDANT TO RESPOND TO MOTION FOR SANCTIONS OF JUDGMENT AND PERMANENT INJUNCTION, AND FINDING DEFENDANT IN CONTEMPT (Stating an arrest warrant will be issued for me and I will be held until I face contempt charges).

4/15/24 – The Court will move forward on ruling on ECF [92](#) Plaintiff's Motion for Sanctions of Judgment and Permanent Injunction.

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Michael Kapellas

Michael Kapellas

August 31, 2020

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Michael Kapellas

Law Clerk at U. S. District Court, Western District of Tennessee
Memphis, Tennessee, United States
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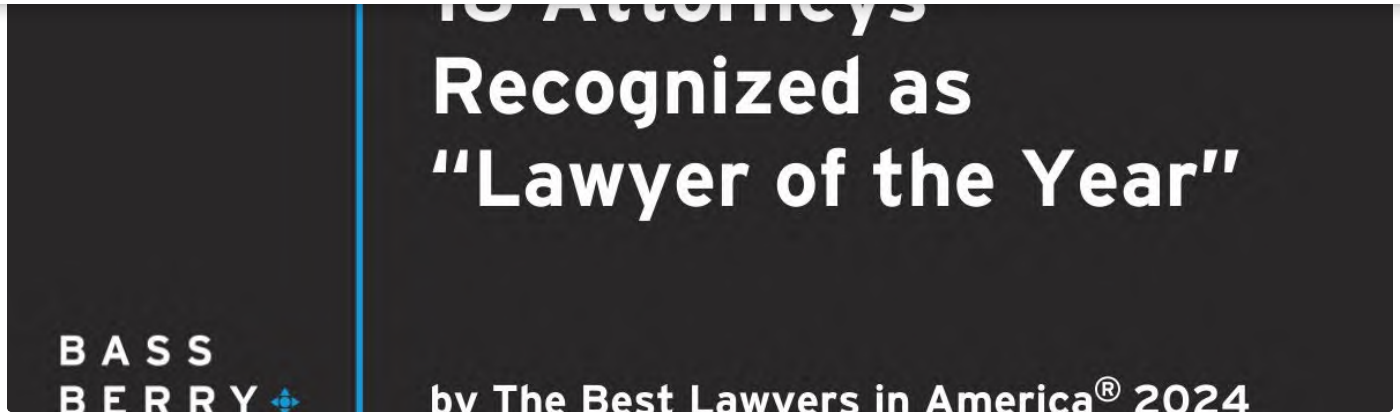


United States District Court,
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Happy to have participated in this important conversation !

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Experience



Judicial Law Clerk

United States District Court, Western District of Tennessee

Aug 2020 - Present · 3 years 5 months

Memphis, Tennessee, United States



Associate

Bass, Berry & Sims

Sep 2015 - Aug 2020 · 5 years

Represents clients in business disputes and general commercial litigation and works with broker-dealers and financial institutions to resolve various disputes and regulatory matters.



Judicial Law Clerk

United States District Court Western District of Tennessee

Jun 2014 - Aug 2015 · 1 year 3 months

Memphis, TN



May 2013 - Aug 2013 · 4 months

Assistant Professor

Lane College

Aug 2008 - Jun 2011 · 2 years 11 months

Jackson, TN

- Instructor of record for five classes per semester at 2,200-student Historically Black College
- Taught Media Law and Ethics, and all of the school's print journalism courses
- Served as faculty representative for Institutional Review Board as well as faculty advisor for the Mass Communications Club and Phi Beta Sigma fraternity

Reporter

Sun-Times News Group

May 1996 - Jan 2000 · 3 years 9 months

Naperville, Illinois

- Staff writer for suburban Chicago newspapers, covering news, sports and features
- Won 11 writing awards, including three first place awards from the Illinois Press Association and two James S. Copley Ring of Truth awards

Education



2011 - 2013

Activities and Societies: Member, Student Diversity Committee Recipient, Herbert Herff Presidential Law Scholarship

Indiana University Bloomington

Master of Arts · Journalism

2002 - 2008

University of Missouri-Columbia

B.J. · Journalism

1992 - 1996

Publications

Regulators' Heightened Emphasis on Cybersecurity Preparedness



[See publication](#)

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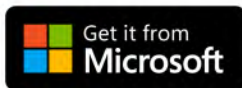
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Miller v. Autozone, Inc.

United States District Court for the Western District of Tennessee, Western Division

September 18, 2020, Decided; September 18, 2020, Filed

Case No. 2:19-cv-02779-MSN-tmp

Reporter

2020 U.S. Dist. LEXIS 206813 *; 2020 WL 6479564

FAITH MILLER and MICHAEL J. IANNONE, JR.,
individually and on behalf of all others similar situated,
Plaintiffs, v. AUTOZONE, INC., Defendant.

Subsequent History: Motion granted by, Request
denied by [Miller v. Autozone, Inc., 2021 U.S. Dist.
LEXIS 258736, 2021 WL 8694116 \(W.D. Tenn., Sept.
20, 2021\)](#)

Later proceeding at [Iannone v. Autozone, Inc., 2022
U.S. Dist. LEXIS 235283, 2022 WL 18142395 \(W.D.
Tenn., Mar. 10, 2022\)](#)

Magistrate's recommendation at [Iannone v. Autozone,
Inc., 2022 U.S. Dist. LEXIS 185251 \(W.D. Tenn., Aug.
12, 2022\)](#)

Motion denied by, Sanctions disallowed by [Iannone v.
AutoZone, Inc., 2022 U.S. Dist. LEXIS 162952, 2022
WL 4122226 \(W.D. Tenn., Sept. 9, 2022\)](#)

Motion granted by, in part, Motion denied by, in part
[Iannone v. AutoZone, Inc., 2023 U.S. Dist. LEXIS
72038, 2023 WL 3083436 \(W.D. Tenn., Apr. 25, 2023\)](#)

Motion granted by, in part, Motion denied by, in part,
Motion denied by [Iannone v. Autozone, Inc., 2023 U.S.
Dist. LEXIS 151317 \(W.D. Tenn., Aug. 9, 2023\)](#)

Counsel: [*1] For Faith Miller, Michael Iannone,
Plaintiffs: James H White, IV, PRO HAC VICE, JAMES
WHITE FIRM LLC, Birmingham, AL USA; Lange Clark,
PRO HAC VICE, LAW OFFICE OF LANGE CLARK,
P.C., Birmingham, AL USA; Dennis George Pantazis,
Jr., WIGGINS CHILDS PANTAZIS FISHER &
GOLDFARB, LLC, Birmingham, AL USA.

For Autozone Inc, Defendant: Brian T. Ortelere, Jeremy
P. Blumenfeld, LEAD ATTORNEYS, PRO HAC VICE,
MORGAN LEWIS & BOCKIUS LLP, Philadelphia, PA
USA; Abbey M. Glenn, PRO HAC VICE, MORGAN,

LEWIS & BOCKIUS LLP- DC OFFICE, Washington, DC
USA; David A. Thornton, [John S. Golwen](#), Jonathan
[Edward Nelson](#), Michael [Kapellas](#), BASS BERRY &
[SIMS PLC](#)- Memphis, Memphis, TN USA; Emily
Reineberg, PRO HAC VICE, MORGAN, LEWIS &
BOCKIUS LLP, Philadelphia, PA USA.

Judges: HON. MARK S. NORRIS, UNITED STATES
DISTRICT JUDGE.

Opinion by: MARK S. NORRIS

Opinion

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

This matter comes before the Court on Defendant
AutoZone, Inc.'s ("AutoZone") Motion to Dismiss
Plaintiffs' Class Action Complaint. (ECF No. 25.) For the
reasons set forth below, Defendant's Motion to Dismiss
is **DENIED**.

I. BACKGROUND

Faith Miller and Michael J. Iannone Jr. filed this lawsuit
under the [Employee Retirement Income Security Act](#)
("ERISA"), [29 U.S.C. §§ 1001, et seq.](#), [*2] on behalf of
AutoZone Inc.'s 401(k) Retirement Savings Plan (the
"Plan") in which they participate, as well as on behalf of
other similarly situated participants (together "Plaintiffs").
AutoZone is the Plan Administrator under [29 U.S.C. §
1002\(16\)\(A\)\(i\)](#) and is a named fiduciary under the Plan
and [29 U.S.C. § 1102\(a\)](#). Prudential serves as the
recordkeeper for the Plan and Prudential Bank and
Trust, FSB serves as trustee. Prudential also provides
the investment platform for the Plan and the GoalMaker

investment allocation service, which is described in more detail below.

A. The AutoZone Inc. 401(k) Retirement Savings Plan (the "Plan")

The Plan is a defined-contribution retirement plan funded through employee contributions and matching contributions from AutoZone. As of December 31, 2018, 15,398 employees participated in the Plan, and the Plan had \$548,562,798 in assets. (ECF No. 1 at PageID 8.) The Plan is set up such that participants can select from two investment approaches: (1) a "do it yourself" option whereby participants choose from a menu of twelve investment options to construct their own investment portfolios; or (2) elect GoalMaker, an asset allocation service¹ offered by Prudential, that allocates the participant's [*3] assets in a model portfolio based on his or her retirement goals and risk tolerance.² (See ECF No. 25-1 at PageID 144-45.) Participants who do not actively select an investment approach are placed into the GoalMaker option by default. (ECF No. 25-1 at PageID 144.)

The Plan's investment menu includes a mix of options including eight to ten mutual funds, three to four separate accounts,³ a handful of passively managed index funds,⁴ and a stable value fund⁵ —the

Guaranteed Index Fund ("GIF"). (ECF No. 1 at PageID 22.) The Plan's passively managed fund options include Vanguard index funds, with investment fees ranging from 0.03% and 0.07% as of 2019, while the actively managed fund options charge between 0.39% and 1.15%.⁶ (ECF No. 25-1 at PageID 145.)

GoalMaker invests participants' money in actively managed investment options available in the Plan, including the GIF, separate accounts, and mutual funds. (*Id.*) AutoZone is responsible for the selection of GoalMaker funds. (ECF No. 33 at PageID 394.) Participants who choose GoalMaker do not pay investment fees separately; rather, the cost is covered by the fees of the funds [*4] in which GoalMaker invests on a participant's behalf. (ECF No. 25-1 at PageID 146.) According to Plaintiffs, a majority of participants' retirement savings in the Plan were being allocated by GoalMaker and "[t]he [GIF] was the Plan's single largest investment with between \$50 and \$100 million in participants' retirement savings, equal to 15 to 20 percent of the Plan's total assets." (ECF No. 1 at PageID 15, 24.)

Prudential serves as the Plan's recordkeeper and is responsible for administrative tasks such as "maintaining account records; processing contributions, rollovers, and transfers; generating account statements;

¹ Asset allocation is an investment strategy that aims to balance risk by dividing assets among major investment vehicles such as stocks, bonds, and cash. U.S. Sec. Exch. Comm'n, *Asset Allocation*, INTRODUCTION TO INVESTING, <https://www.investor.gov/introduction-investing/getting-started/asset-allocation> (last visited Sept. 18, 2020).

² According to AutoZone, GoalMaker rebalances each portfolio on a quarterly basis, keeping it on target with participants' retirement timeline and risk tolerance. (ECF No. 25-1 at PageID 145.)

³ "Separate accounts are generally commingled investment vehicles, similar to mutual funds, that aggregate assets from more than one investor to achieve economies of scale. These investment vehicles are made available through contracts issued by [an] insurance company to qualified retirement plans, like 401(k) plans, and governmental plans." (ECF No. 1 at PageID 22 n.15.)

⁴ An index fund is a portfolio of stocks or bonds designed to mimic the composition and performance of a financial market index (e.g. S&P 500). U.S. Sec. Exch. Comm'n, *Index Funds*, INTRODUCTION TO INVESTING, <https://www.investor.gov/introduction-investing/investing-basics/investment-products/mutual-funds-and-exchange-traded-4> (last visited Sept. 18, 2020). The key advantage

index funds have over their actively managed counterparts is a lower management expense ratio. See *id.*

⁵ A stable value fund is a portfolio of bonds that are insured through "wrap" contracts with banks or insurance companies to protect the investor against a decline in yield or a loss of capital. See Karen Wallace, *Unpacking Stable-Value Funds*, MORNINGSTAR (Aug. 12, 2015), <https://www.morningstar.com/articles/710877/unpacking-stable-value-funds>. Stable value funds are popular with investors that have low risk tolerances (such as persons nearing retirement) and are commonly found in defined contribution plans such as company 401(k) plans. *Id.* The appeal of stable value funds is that they remain just that—stable. In times of recession or market volatility, stable value funds are guaranteed. The insurance aspect of stable value funds makes them nearly as safe as money market funds. *Id.* However, the characteristic insurance protection means stable value funds come with extra management costs and fees which can dampen the already low yields that these investments offer due to their low risk. *Id.*

⁶ Compared to passively managed funds, active funds tend to have higher management fees in order to pay the fund's managers and research team. Also, active management is often associated with higher portfolio turnover, which causes more trading and associated costs.



Neutral

As of: July 11, 2024 2:52 PM Z

Burrell v. Concept AG., LLC

United States District Court for the Northern District of Mississippi, Greenville Division

February 28, 2020, Decided; February 28, 2020, Filed

Civil Case No. 4:19-cv-124-NBB-JMV

Reporter

2020 U.S. Dist. LEXIS 34378 *; 2020 WL 990005

THOMAS BURRELL, ET AL., PLAINTIFFS VS.
CONCEPT AG., LLC, ET AL., DEFENDANTS**Subsequent History:** Transfer denied by [Burrell v. Concept AG, LLC, 2020 U.S. Dist. LEXIS 180351 \(N.D. Miss., Sept. 30, 2020\)](#)Dismissed by, in part, Without prejudice, Dismissed by, in part [Burrell v. Concept AG, LLC, 2020 U.S. Dist. LEXIS 180358 \(N.D. Miss., Sept. 30, 2020\)](#)Appeal dismissed by [Burrell v. Concept AG, L.L.C., 2021 U.S. App. LEXIS 13396, 2021 WL 1748417 \(5th Cir. Miss., Mar. 24, 2021\)](#)

Core Terms

join, seed, per acre, partnership, occurrence, Farmers, bushels, damages, joinder, planted, soybean, amended complaint, instant action, party-plaintiff, transactions, declaration, warehouse, motions, yielded

Counsel: [*1] For Thomas Burrell, Tyrone Grayer, Walter Jackson, Mrs. Monique Jackson, Plaintiffs: Juan T. Williams, LEAD ATTORNEY, REAVES LAW FIRM, Memphis, TN; Paul Anthony Robinson, Jr., PRO HAC VICE, PAUL ROBINSON LAW OFFICE, Memphis, TN.

For Chapter 13 Bankruptcy Trustee, International Trustee Group, Plaintiffs: Benjamin Andrew Gastel, J. Gerard Stranch, IV, LEAD ATTORNEYS, PRO HAC VICES, BRANSTETTER, STRANCH & JENNINGS, PLLC, Nashville, TN; Van Davis Turner, Jr., LEAD ATTORNEY, BRUCE TURNER, PLLC, Memphis, TN; Paul Anthony Robinson, Jr., PRO HAC VICE, PAUL ROBINSON LAW OFFICE, Memphis, TN.

For Concept Ag. LLC, Greg Crigler, Defendants: Daniel Warren Van Horn, LEAD ATTORNEY, BUTLER SNOW, Memphis, TN; Cameron Lacy Fields, La'Toyia Jenessa Slay, BUTLER SNOW LLP, Ridgeland, MS.

For Agri Select LLC, Defendant: Paul Christopher Peel,

LEAD ATTORNEY, Henry B. Talbot, PRO HAC VICE, FARRIS BOBANGO BRANAN PLC, Memphis, TN.

For Stine Seed, Mr. Kevin Ryan, Myron Stine, Defendants: John D. Saba, Jr., LEAD ATTORNEY, Maria Amelia Calaf, PRO HAC VICE, WITTLIFF CUTTER, PLLC, Austin, TX; Joseph Michael Koury, LEAD ATTORNEY, ALLEN SUMMERS SIMPSON LILLIE & GRESHAM - Memphis, Memphis, TN; Jack A Simms, Jr, Katherine [*2] Chiarello, PRO HAC VICE, WITTLIFF CUTTER AUSTIN PLLC, Austin, TX; Jessica Ann Benton, PRO HAC VICE, ALLEN SUMMERS SIMPSON LILLIE & GRESHAM, PLLC, Memphis, TN.

For M.D. Kevin Cooper, B & B, Inc., Defendants: Cheyne Wright Harris, **John Stone Golwen, BASS, BERRY & SIMS, PLC, Memphis, TN**; Jonathan Edward Nelson, **Michael Kapellas, PRO HAC VICE, BASS BERRY & SIMS PLC-Memphis, Memphis, TN.****Judges:** Jane M. Virden, United States Magistrate Judge.**Opinion by:** Jane M. Virden

Opinion

ORDER

Before the Court for consideration are two motions for joinder as plaintiffs. The first is Joe Bryant, Jr.'s motion to join this action as a party-plaintiff pursuant to [Rule 20 of the Federal Rules of Civil Procedure](#) [90]. The second is a motion by Rick Prowell, Sr., to join as a party-plaintiff pursuant to [Rule 20](#) [122]. For the reasons explained below, both motions are denied.

The Instant Action

The instant action is one transferred here from the

Pete Jackson

Western District of Tennessee. Though the amended complaint [66-67] is over 49 pages in length, it can be succinctly summarized as follows:

Plaintiffs are five African American farmers and a limited liability company operating in the Mississippi Delta and Louisiana. Plaintiffs allege that in 2017 the defendants conspired to defraud them by selling them certain [*3] varieties of what was purported to be Stine certified soybean seed that was at some point switched with inferior seed in a warehouse in Sledge, Mississippi, which resulted in a reduced yield that crop year. According to Plaintiffs, this scheme was motivated by racial animus.

Joe Bryant, Jr.'s Motion to Join Pursuant to [FRCP 20](#)

Proposed plaintiff, Joe Bryant, Jr., on the other hand, is, or was, apparently an African-American farmer in Arkansas whose son, Joe Bryant, III, alleges by way of a "declaration" [91] in support of the motion to join that on April 16, 2010, he, Joe Bryant, III, purchased and was delivered 40 lbs. of Stein soybean seed. He asserts he planted the seed, which yielded approximately 10 bushels per acre. However, in prior years when he planted something other than a Stine variety, his yield was approximately 40 bushels per acre. Joe Bryant, III, also claims that in the following year, 2011, a partnership, J. N. Bryant, Jr. Farms Partnership, purchased \$54,360.00 worth of Stein seed, which produced again only approximately 10 bushels per acre. According to the declaration, Joe Bryant, III, suffered monetary damages in 2010 and 2011 as a result of the alleged reduced yields. [*4]

Analysis

[Rule 20](#) states in pertinent part:

[P]ersons may [be] join[ed] in one action as plaintiffs if: (A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all plaintiffs will arise in the action.

[Fed.R.Civ.P. 20\(a\)\(1\)\(A\)-\(B\)](#).

On its face, the instant Motion for joinder is without

merit.¹ To begin, the proposed plaintiff is Joe Bryant, Jr., but no facts are alleged to support any claim for damages by Joe Bryant, Jr. (as noted, the only facts asserted in support of motion to join are to the effect that Joe Bryant, III, and a partnership suffered soybean yield losses in the in 2010 and 2011 resulting in alleged damages to Joe Bryant, III). Moreover, the motion for joinder involves specific conduct occurring not in 2017 as is alleged in the amended complaint, but over ten to eleven years ago and not in either Mississippi or Louisiana, but in Arkansas. Not even the same varieties of seed or the same proposed individual defendants are involved. In short, the suggestion that the facts alleged to support the motion to join meet the twin requirements of [*5] [Rule 20](#) is demonstrably not colorable.

Rick Prowell, Sr.'s Motion to Join Pursuant to [FRCP 20](#)

Likewise, Prowell's Motion is without merit. Again, as the Stine Defendants point out, while the current Plaintiffs allege they are victims of a racially motivated seed-swapping conspiracy perpetuated by Kevin Cooper and Greg Crigler in a warehouse in Sledge, Mississippi in 2017, Prowell, on the other hand, contends he is unhappy with the yield from Stine seed he purchased from "Farmers Supply Company in Marvell, Arkansas" in 2017 and 2018 and which seed was planted in Arkansas. Because Prowell's claim involves different sellers, different economic transactions, different states, and different time periods, his claim does not arise from the same transaction or occurrence as the current Plaintiffs' claims, and proof at trial would not involve common facts.

So Ordered this 28th day of February, 2020.

/s/ Jane M. Virden

U. S. Magistrate Judge

¹ If this motion is refiled at any point, counsel are directed to brief in connection therewith whether a non-party may properly move to be joined under [Rule 20](#) (as opposed to moving for leave to intervene under [FRCP 24](#)). The undersigned notes there appears to be some authority for requiring that such a motion be asserted by the existing parties to the action. Furthermore, if re-urged, the movant is directed to brief whether [FRCP 15](#), including its accompanying requirement of an attached proposed amended complaint, must be addressed in connection therewith.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AMERICAN CLOTHING EXPRESS, INC.,)	
PORTIA & SCARLETT, LLC, and P&S)	
AUS PTY LTD,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:24-cv-02199-SHL-atc
)	
JOVANI FASHION, LTD.,)	
)	
Defendant.)	

**ORDER GRANTING DEFENDANT’S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFFS’ COMPLAINT**

Before the Court is Defendant Jovani Fashion, Ltd.’s (“Jovani”) Unopposed Motion and Memorandum for Extension of Time to Respond to Plaintiffs’ Complaint, filed April 16, 2024. (ECF No. 19.) In the motion, Jovani seeks to extend the deadline for its responsive pleading from April 23, 2024, to May 10, 2024. (Id. at PageID 163–64.) Jovani’s counsel indicates that they have recently been retained in this matter and that they need an extension to allow sufficient time to investigate and evaluate Plaintiffs’ claims. (Id.)

For good cause shown, the motion is **GRANTED**. Defendant shall have until May 10, 2024, in which to file its responsive pleading.

IT IS SO ORDERED, this 16th day of April, 2024.

s/ Sheryl H. Lipman

 SHERYL H. LIPMAN
 CHIEF UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AMERICAN CLOTHING EXPRESS, INC.,)	
PORTIA & SCARLETT, LLC, and P&S)	
AUS PTY LTD,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:24-cv-02199-SHL-atc
)	
JOVANI FASHION, LTD.,)	
)	
Defendant.)	

**ORDER GRANTING IN PART PLAINTIFFS’ MOTION FOR LIMITED
AND EXPEDITED DISCOVERY AND SETTING SCHEDULING CONFERENCE**

Before the Court is Plaintiff American Clothing Express, Inc., Portia & Scarlett, LLC, and P&S Aus Pty Ltd’s Motion for Limited and Expedited Discovery, filed April 1, 2024. (ECF No. 11.) In the motion, Plaintiffs seek certain limited discovery from Defendant Jovani Fashion, Ltd., “that would help the parties present a full picture of all relevant conduct and information to this Court during the hearing on Plaintiffs’ Motion for Preliminary Injunction.” (*Id.* at PageID 122.) On April 15, 2024, Defendant filed its response to the motion, in which it indicated that the Parties “have conferred regarding the Motion and, subject to the Court’s approval, have agreed on certain expedited discovery to be conducted by both plaintiffs and defendant.” (ECF No. 16 at PageID 152.)

The Court **GRANTS THE MOTION IN PART**, consistent with that agreement and the following terms:

1. Defendant shall serve responses to Plaintiffs' First Request for Production of Documents, which were attached to Plaintiffs' Motion for Limited and Expedited Discovery as Exhibit A, by May 20, 2024.

2. Defendant shall be permitted to serve Requests for Production related to the issues presented in Plaintiffs' motion for preliminary injunction by April 22, 2024, which requests shall be answered by Plaintiffs within thirty days of service thereof.

3. Plaintiffs and Defendant shall cooperate in the scheduling of depositions pursuant to Federal Rule of Civil Procedure 30(b)(6) promptly after responses to the above-referenced requests for production of documents are served.

The Court will set a briefing schedule on Plaintiffs' Motion for Injunctive Relief and a Preliminary Injunction as well as all other deadlines in this matter at an in-person scheduling conference to be held at **11:00 a.m. Thursday, May 30, 2024.**

The remaining relief sought in Plaintiffs' motion, including the request to issue Letters of Request for International Judicial Assistance, is **DENIED WITHOUT PREJUDICE.**

IT IS SO ORDERED, this 15th day of April, 2024.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS**

**MID-AMERICA APARTMENT ,
COMMUNITIES, INC.**

Plaintiff,

v.

DENNIS PHILIPSON

)
)
)
)
)
)
)
)
)
)
)

Docket No. 2:23-cv-02186-SHL-cgc
JURY DEMAND

Defendant.

FIRST SET OF DOCUMENT REQUESTS TO DEFENDANT PHILIPSON

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Mid-America Apartment Communities, Inc. (“MAA”), by and through its attorneys, Bass Berry & Sims PLC, hereby requests that Defendant Dennis Philipson produce the documents requested below for inspection and copying at the offices of Bass, Berry & Sims, within thirty (30) days after the service hereof.

INSTRUCTIONS

1. These requests apply to all Documents in your possession, custody or control, regardless of whether such Documents are held by you or your affiliates, corporate parents, corporate subsidiaries, divisions, directors, officers, partners, designees, agents, managers, employees, representatives, attorneys, or assigns.

2. Pursuant to Federal Rule of Civil Procedure 34(b), all Documents shall be produced as they are kept in the usual course of business, or shall be organized and labeled to correspond to the categories of Documents set forth in each request.

3. All electronically stored information responsive to a request shall be produced in single-page TIFF or color JPG format, as applicable, and in native file format. All corresponding metadata shall be produced in a load file compatible with Relativity.

4. Where any copy of any requested document is not identical to any other copy thereof, by reason of any alterations, marginal notes, comments, or material contained therein or attached thereto, or otherwise, all such non-identical copies shall be produced separately.

5. If no Documents exist that are responsive to a particular request, you shall state so in writing.

6. If any document or any portion of any document requested herein is withheld from production, describe the basis for withholding the document or portion thereof, including any claim of a privilege or protection, in sufficient detail to permit the Court to adjudicate the validity of your withholding the document, and identify each document so withheld by providing at least the following information:

- a. the type of document (*e.g.*, memorandum, letter, report, etc.);
- b. the date, title and subject matter of the document;
- c. the identity, affiliation, and position of the author, the addressee(s), and all recipients of the document; and
- d. a statement of (i) the nature of the legal privilege or protection from discovery claimed and (ii) the factual basis for that claim of privilege or protection from discovery, including the facts establishing the claim of privilege or protection from discovery, the facts showing that the privilege has not been waived, and a statement as to whether the subject matter of the contents of the document is limited to legal advice or contains other subject matter.

7. If a portion of an otherwise responsive document contains information subject to a claim of privilege or protection from discovery, those portions of the document shall be redacted

from the document, and the redacted portions shall be clearly marked as such, and the rest of the document shall be produced.

8. With respect to any responsive document that was formerly in your possession, custody or control and has been lost, destroyed or transferred out of your possession, custody or control, identify such document by setting forth its author(s), addressee(s), copyee(s), date, title, number of pages, subject matter, nature (*e.g.*, memorandum, letter, report, etc.), actual or approximate date on which the document was lost, destroyed or transferred, and, if destroyed, the conditions of and reasons for such destruction, and the names of the person authorizing and performing the destruction, and state the name and address of each person (if any) known to have possession, custody or control of such document.. The phrase “possession, custody or control” has the meaning set forth in Federal Rule of Civil Procedure 34 and should be interpreted as broadly as possible.

9. Each request herein shall be responded to separately and fully, unless it is in good faith objected to, in which case the objection and the bases therefore shall be stated with particularity. If an objection pertains only to a portion of a request, or to a word, phrase or clause contained therein, you shall state your objection to that portion only and respond to the remainder of the request. If, in answering these document requests, you claim that any document request, or a definition or instruction applicable thereto, is vague or ambiguous, you shall not use such claim as a basis for refusing to respond. Rather, you shall set forth as a part of the response the language claimed to be vague or ambiguous and the interpretation used to respond to the individual document request.

10. Each paragraph herein shall be construed independently and without reference to any other paragraph for the purpose of limitation.

11. The use of a verb in any tense shall be construed as the use of a verb in all other tenses wherever necessary to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

12. The use of the singular form of any word includes the plural and vice versa.

13. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.

14. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

15. These requests are deemed continuing in nature, and you are obliged to produce responsive Documents and to supplement your production whenever additional Documents are located or their existence ascertained.

16. MAA reserves the right to serve additional requests for the production of Documents at a later time.

17. Unless otherwise indicated, these requests concern the period from January 1, 2020 to the present.

DEFINITIONS

1. The terms “you” and “your” refer to Defendant Philipson.

2. “Plaintiff” means MAA and its present or former predecessors-in-interest, successors-in-interest, subsidiaries, divisions, affiliates, partners, officers, directors, employees, agents, attorneys, representatives, and/or assigns.

3. “GlassDoor” shall refer to the website located at <https://www.glassdoor.com>.

4. “Google Reviews” shall refer to reviews left on Google Maps.

5. "Avalonbay Communities" shall refer to the apartment communities company with a website located at <https://www.avaloncommunities.com/>.
6. "LinkedIn" shall refer to the social media application located at <https://www.linkedin.com>.
7. "Document" shall mean any document or electronically stored information, including but not limited to, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation into a reasonably usable form.
8. "Communication" and "Communications" shall mean any oral or written utterance, notation, depiction, or statement of any nature whatsoever, including, but not limited to: correspondence, conversations, telephone calls, facsimiles, dialogues, discussions, interviews, consultations, telegrams, telexes, text messages, cables, e-mails, letters, voicemails, statements posted on or to the Internet, memoranda, agreements, and other verbal and non-verbal understandings.
9. "Identify" or "identity" means to state or a statement of:
 - a. in the case of a person other than a natural person, its name, the address of its principal place of business (including zipcode), its telephone number, and the name of its chief executive officer, as well as, if it has a person other than a natural person that ultimately controls it, that other person's name, the address of that person's principal place of business (including zipcode), that other person's telephone number, and the name of that other person's chief executive officer;
 - b. in the case of a natural person, his or her name, business address and telephone number, employer, and title or position;
 - c. in the case of a communication, its date, type (e.g., telephone conversation or discussion), the place where it occurred, the identity of the person who made the communication, the identity of the person who received the communication, the identity of each other person when it was made, and the subject matter discussed;

- d. in the case of a document, the title of the document, the author, the title or position of the author, the addressee, each recipient, the type of document, the subject matter, the date of preparation, and its number of pages; and
- e. in the case of an agreement, its date, the place where it occurred, the identity of all persons who were parties to the agreement, the identity of each person who has knowledge of the agreement and all other persons present when it was made, and the subject matter of the agreement.

DOCUMENT REQUESTS

1. All Documents and Communications concerning or sent to or from each of the following email addresses:

- A. Gender99999@hotmail.com
- B. Frankreso28@gmail.com
- C. MerryJerryBerry@outlook.com
- D. Thomas.Grimey51@outlook.com
- E. Maareviews@outlook.com
- F. conflictinterest682@gmail.com
- G. melanieisgoingtojail@outlook.com
- H. Berna6728@aol.com
- I. welcome@maaapartments.com
- J. TomGrimey@outlook.com
- K. blackcharlie099@gmail.com
- L. GreatDayatMAA@hotmail.com
- M. MAABstructs@outlook.com
- N. MAABstruct@outlook.com
- O. RexBlago78@hotmail.com
- P. bganderland1801@gmail.com
- Q. tdudleyP@gmail.com
- R. tigerprincessT@gmail.com
- S. denalitarnosh@gmail.com

T. rogerjackman278@gmail.com

U. hansonvincent43@gmail.com

V. sharksonp@gmail.com

W. info@maa.apartment

X. donniwillow652@gmail.com

Y. Jillianpow201@gmail.com

Z. WillBoi1526@gmail.com

AA. Bolling.pete12@gmail.com

RESPONSE:

2. All documents and communications you have sent to any third party concerning MAA and/or any employee of MAA.

RESPONSE:

3. All documents and communications you have sent or received from GlassDoor concerning MAA, including screenshots of reviews or other communications you have posted online.

RESPONSE:

4. All documents and communications you have sent or received using Google Reviews (via Google Maps) since 2020, including copies of any reviews you have posted, whether under your own name or an alias or other identity.

RESPONSE:

5. All documents and communications you have sent or received from Avalonbay Communities since 2020.

RESPONSE:

6. All documents and communications you have sent or received from LinkedIn since 2022.

RESPONSE:

7. All documents and communications you have sent or received from any present or past employee of MAA since 2021.

RESPONSE:

8. All documents and communications you have sent or received concerning any of the following domains and/or websites:

- A. megaawesomeapartments.com
- B. maaapartments.com
- C. maa.apartments
- D. maafraud.com

RESPONSE:

9. All documents and communications you have sent or received that relate to Craig Silver.

RESPONSE:

10. All documents which support or refute any allegations you have made against MAA, whether in this litigation or to any federal agency.

RESPONSE:

11. All documents that identify the IP address of your home computer and devices.

RESPONSE:

12. All documents upon which you plan to rely at trial.

RESPONSE:

Respectfully Submitted,

/s/ Paige Waldrop Mills

Paige Waldrop Mills, BPR. No. 16218

BASS, BERRY & SIMS PLC

Suite 2800; 150 3rd Ave. South

Nashville, Tennessee 37201

Tel: 615-742-6200

Fax: 615-429-0429

pmills@bassberry.com

***Counsel for Mid-America Apartment Communities,
LLC***

CERTIFICATE OF SERVICE

I hereby certify that the forgoing Request for Production of Documents was served on the individual below by email and regular mail:

Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310
mphilly@gmail.com

This 15th Day of September, 2023.

/s/ Paige Waldrop Mills
Paige Waldrop Mills

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS**

**MID-AMERICA APARTMENT ,
COMMUNITIES, INC.**

Plaintiff,

v.

DENNIS PHILIPSON

Defendant.

)
)
)
)
)
) Docket No. 2:23-cv-02186-SHL-cgc
) JURY DEMAND
)
)

SECOND SET OF DOCUMENT REQUESTS TO DEFENDANT PHILIPSON

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Mid-America Apartment Communities, Inc. ("MAA"), by and through its attorneys, Bass Berry & Sims PLC, hereby requests that Defendant Dennis Philipson produce the documents requested below for inspection and copying at the offices of Bass, Berry & Sims, within thirty (30) days after the service hereof.

INSTRUCTIONS

1. These requests apply to all Documents in your possession, custody or control, regardless of whether such Documents are held by you or your affiliates, corporate parents, corporate subsidiaries, divisions, directors, officers, partners, designees, agents, managers, employees, representatives, attorneys, or assigns.

2. Pursuant to Federal Rule of Civil Procedure 34(b), all Documents shall be produced as they are kept in the usual course of business, or shall be organized and labeled to correspond to the categories of Documents set forth in each request.

3. All electronically stored information responsive to a request shall be produced in single-page TIFF or color JPG format, as applicable, and in native file format. All corresponding metadata shall be produced in a load file compatible with Relativity.

4. Where any copy of any requested document is not identical to any other copy thereof, by reason of any alterations, marginal notes, comments, or material contained therein or attached thereto, or otherwise, all such non-identical copies shall be produced separately.

5. If no Documents exist that are responsive to a particular request, you shall state so in writing.

6. If any document or any portion of any document requested herein is withheld from production, describe the basis for withholding the document or portion thereof, including any claim of a privilege or protection, in sufficient detail to permit the Court to adjudicate the validity of your withholding the document, and identify each document so withheld by providing at least the following information:

- a. the type of document (*e.g.*, memorandum, letter, report, etc.);
- b. the date, title and subject matter of the document;
- c. the identity, affiliation, and position of the author, the addressee(s), and all recipients of the document; and
- d. a statement of (i) the nature of the legal privilege or protection from discovery claimed and (ii) the factual basis for that claim of privilege or protection from discovery, including the facts establishing the claim of privilege or protection from discovery, the facts showing that the privilege has not been waived, and a statement as to whether the subject matter of the contents of the document is limited to legal advice or contains other subject matter.

7. If a portion of an otherwise responsive document contains information subject to a claim of privilege or protection from discovery, those portions of the document shall be redacted

from the document, and the redacted portions shall be clearly marked as such, and the rest of the document shall be produced.

8. With respect to any responsive document that was formerly in your possession, custody or control and has been lost, destroyed or transferred out of your possession, custody or control, identify such document by setting forth its author(s), addressee(s), copyee(s), date, title, number of pages, subject matter, nature (e.g., memorandum, letter, report, etc.), actual or approximate date on which the document was lost, destroyed or transferred, and, if destroyed, the conditions of and reasons for such destruction, and the names of the person authorizing and performing the destruction, and state the name and address of each person (if any) known to have possession, custody or control of such document.. The phrase "possession, custody or control" has the meaning set forth in Federal Rule of Civil Procedure 34 and should be interpreted as broadly as possible.

9. Each request herein shall be responded to separately and fully, unless it is in good faith objected to, in which case the objection and the bases therefore shall be stated with particularity. If an objection pertains only to a portion of a request, or to a word, phrase or clause contained therein, you shall state your objection to that portion only and respond to the remainder of the request. If, in answering these document requests, you claim that any document request, or a definition or instruction applicable thereto, is vague or ambiguous, you shall not use such claim as a basis for refusing to respond. Rather, you shall set forth as a part of the response the language claimed to be vague or ambiguous and the interpretation used to respond to the individual document request.

10. Each paragraph herein shall be construed independently and without reference to any other paragraph for the purpose of limitation.

11. The use of a verb in any tense shall be construed as the use of a verb in all other tenses wherever necessary to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

12. The use of the singular form of any word includes the plural and vice versa.

13. The terms "all," "any," and "each" shall each be construed as encompassing any and all.

14. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

15. These requests are deemed continuing in nature, and you are obliged to produce responsive Documents and to supplement your production whenever additional Documents are located or their existence ascertained.

16. MAA reserves the right to serve additional requests for the production of Documents at a later time.

17. Unless otherwise indicated, these requests concern the period from January 1, 2020 to the present.

DEFINITIONS

1. The terms "you" and "your" refer to Defendant Philipson.

2. "Plaintiff" means MAA and its present or former predecessors-in-interest, successors-in-interest, subsidiaries, divisions, affiliates, partners, officers, directors, employees, agents, attorneys, representatives, and/or assigns.

3. "Document" shall mean any document or electronically stored information, including but not limited to, writings, drawings, graphs, charts, photographs, sound recordings, images, and

other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation into a reasonably usable form.

4. "Communication" and "Communications" shall mean any oral or written utterance, notation, depiction, or statement of any nature whatsoever, including, but not limited to: correspondence, conversations, telephone calls, facsimiles, dialogues, discussions, interviews, consultations, telegrams, telexes, text messages, cables, e-mails, letters, voicemails, statements posted on or to the Internet, memoranda, agreements, and other verbal and non-verbal understandings.

5. "Identify" or "identity" means to state or a statement of:

- a. in the case of a person other than a natural person, its name, the address of its principal place of business (including zipcode), its telephone number, and the name of its chief executive officer, as well as, if it has a person other than a natural person that ultimately controls it, that other person's name, the address of that person's principal place of business (including zipcode), that other person's telephone number, and the name of that other person's chief executive officer;
- b. in the case of a natural person, his or her name, business address and telephone number, employer, and title or position;
- c. in the case of a communication, its date, type (e.g., telephone conversation or discussion), the place where it occurred, the identity of the person who made the communication, the identity of the person who received the communication, the identity of each other person when it was made, and the subject matter discussed;
- d. in the case of a document, the title of the document, the author, the title or position of the author, the addressee, each recipient, the type of document, the subject matter, the date of preparation, and its number of pages; and
- e. in the case of an agreement, its date, the place where it occurred, the identity of all persons who were parties to the agreement, the identity of each person who has knowledge of the agreement and all other persons present when it was made, and the subject matter of the agreement.

DOCUMENT REQUESTS

1. All Documents and Communications that support your contentions that your computer, devices, or systems have been hacked or otherwise compromised or violated.

RESPONSE:

2. All documents and communications demonstrating the security and/or procedures you employ to secure your computers, devices, or systems.

RESPONSE:

3. Documents and communications sufficient to demonstrate the names and contact information for all individuals that have access to your computers, devices, and systems.

RESPONSE:

4. All Documents and communications demonstrating when you deleted all information relating to MAA from your computers, devices, and systems.

RESPONSE:

5. All documents and communications demonstrating you have blocked Paige Mills or Teresa McClanahan from sending emails and other communications to any of your numerous email addresses.

RESPONSE:

6. All documents and communications you have sent or received from any third party mentioning or relating to MAA since 2020.

RESPONSE:

7. All documents not previously requested in your possession, custody or control that relate to the issues in this lawsuit and the allegations in the Amended Complaint in any way.

RESPONSE:

Respectfully Submitted,

/s/ Paige Waldrop Mills

Paige Waldrop Mills, BPR. No. 16218

BASS, BERRY & SIMS PLC

Suite 2800; 150 3rd Ave. South

Nashville, Tennessee 37201

Tel: 615-742-6200

Fax: 615-429-0429

pmills@bassberry.com

*Counsel for Mid-America Apartment Communities,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that the forgoing Second Request for Production of Documents was served on the individual below by email and regular mail:

Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310
mphilly@gmail.com
phillydee100@gmail.com

This 16th Day of October, 2023.

/s/ Paige Waldrop Mills
Paige Waldrop Mills

36570901.1

Exhibit C

Doo Crew

From: May Bear <maybear1420@gmail.com>
Sent: Thursday, December 14, 2023 9:37 AM
To: tips.memphis@fbi.gov
Cc: May Bear
Subject: Fwd: MAA, Western TN Court, Paige Waldrop Mills, Potential Fraud

Good morning. I'm writing to seek clarification on a matter of significant concern to me. My query is regarding whether there's an ongoing investigation into the Western Tennessee court, Paige Waldrop Mills, Bass Berry & Sims PLC, and any related employees. This is in relation to a broader complaint I previously filed against MAA, Mid-America Apartment Communities.

A few days ago, I provided a tip to the FBI in Memphis about my concerns. While I didn't receive a specific confirmation number, I did get a general acknowledgment that it was successfully submitted.

This morning, an individual identifying themselves as Agent Barber was outside my house from 7:45 AM for approximately 40 minutes and subsequently knocked on my door. This action, which I have recorded on video, was quite unsettling. It appears that the individual's purpose was to serve another subpoena to my wife. The person made comments about looking up my background, other residences, and made some disconcerting remarks about my family situation. He appeared to be pleasant and was just performing his duties – I have no issues with him.

Given the nature of these events, I am deeply troubled. I am prepared to contact the Western Tennessee Court directly about Paige Waldrop and her associations if necessary. However, I would prefer to understand the current status of any investigations or issues from your office first.

I am eager to assist in any way possible, but I would greatly appreciate some clarity on the situation. I appreciate your guidance on this matter and apologize for any inconvenience my inquiry may cause.

Thank you for your attention to this matter.

Sincerely,

Sincerely,
Dennis Philipson

Exhibit D



VERIZON SECURITY SUBPOENA COMPLIANCE
180 WASHINGTON VALLEY ROAD
BEDMINSTER NJ 07921
Phone: 888-483-2600 Fax: 325-949-6916

May 15, 2023

Verizon Case #: 23277757-0
Docket / File #: 2:23-cv-02186-SHL-cgs
Target: 108.31.205.70

Dear Customer,

This is to notify you that Verizon has received a subpoena requiring the production of certain records associated with the target referenced above.

Verizon has no information as to the purpose of the subpoena or the nature of the action. Any questions you have should be directed to the party who issued the subpoena.

Please be advised that unless Verizon is provided with a motion for a protective order or a motion to quash **by 5:00PM, Eastern USA Time, 29 May, 2023**, Verizon intends to produce the records. Motion papers can be sent to Verizon via fax number 325-949-6916 or verizonlegalprocesscompliance@verizon.com

Very truly yours,

R. LOONEY
VERIZON SECURITY SUBPOENA COMPLIANCE

Encl.

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

VSAT NJ

MAY 10 2023

Mid-America Apartment Communities, Inc.


Plaintiff

v.

John Doe 1

John Doe 2

Defendant

By:  Civil Action No. 2:23-cv-02186SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Verizon

Attn: VSAT, 180 Washington Valley Road, Bedminister, NJ 07921

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See attached Exhibit A

Place: Bass, Berry & Sims PCL; Attn: Paige Mills
150 3rd Ave S, Suite 2800
Nashville, TN 37201; pmills@bassberry.com

Date and Time:

05/31/2023 5:00 pm

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/09/2023

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Mid-America Apartment Communities, Inc., who issues or requests this subpoena, are:

Paige Mills, Bass, Berry & Sims PLC, 150 Third Ave South, Suite 2800, Nashville, TN 37201; (615) 742-6200;
pmills@bassberry.com

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any)

on (date)

☒ I served the subpoena by delivering a copy to the named person as follows:

on (date)

; or

☐ I returned the subpoena unexecuted because.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$

My fees are \$

for travel and \$

for services, for a total of \$

0.00

I declare under penalty of perjury that this information is true.

Date.

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc..

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has, must not use or disclose the information until the claim is resolved, must take reasonable steps to retrieve the information if the party disclosed it before being notified, and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS

**MID-AMERICA APARTMENT,
COMMUNITIES, INC.**

Plaintiff,

v

JOHN DOE 1 AND JOHN DOE 2,

Defendants.

Docket No. 2:23-cv-02186-SHL-cgc

VERIZON SUBPOENA ATTACHMENT A

Please disclose the basic subscriber records (as set forth below at A-F) for the following IP

Address: 108.31.205.70

For the following dates: March 3-12, 2023.

(A) name;

(B) address.

(C) local and long distance telephone connection records, or records of session times and durations;

(D) length of service (including start date) and types of service utilized;

(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

(F) means and source of payment for such service (including any credit card or bank account number)

Case 2:23-cv-02186 Document 1 Filed 04/03/23 Page 1 of 18 PageID 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS**

**MID-AMERICA APARTMENT
COMMUNITIES, INC.**

Plaintiff,

v.

JOHN DOE 1 AND JOHN DOE 2,

Defendants.

Docket No. _____

COMPLAINT

1. Mid-America Apartment Communities, Inc., also known as ("MAA") states as follows for its Complaint against John Doe 1 and John Doe 2.

2. This is an action at law and equity to remedy acts of: (1) trademark infringement under 15 U.S.C. §1114, (2) unfair competition under 15 U.S.C. §1125(a); (3) cybersquatting under the Anti-cybersquatting Consumer Protection Act found at 15 U.S.C. § 1125(d); (3) infringement and unfair competition under the common law of the State of Tennessee and the Tennessee Trademark Statute, Tenn. Code Ann. §47-25-512 and §47-25-513; and (4) deceptive trade practices and unjust enrichment in violation of the common law of the State of Tennessee and the Tennessee Consumer Protection Act, Tenn. Code Ann. §47-18-104, et. seq.

3. This Court has original subject matter jurisdiction over MAA's Lanham Act claims pursuant to 28 U.S.C. §§ 1331 & 1338, and 15 U.S.C. § 1121.

4. This Court has subject matter jurisdiction over MAA's Tennessee state law claims pursuant to 28 U.S.C. § 1367(a) because MAA's Tennessee state law claims are so related to the

Case 2:23-cv-02185 Document 1-1 Filed 04/03/23 Page 1 of 45 PageID 19

EXHIBIT A

Case 2:23-cv-02186 Document 1-1 Filed 04/03/23 Page 2 of 45 PageID 20

United States of America
United States Patent and Trademark Office

MAA

Reg. No. 4,009,475

Registered Aug. 9, 2011

Int. Cl.: 36

SERVICE MARK

PRINCIPAL REGISTER

MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION)
6584 POPLAR AVENUE
MEMPHIS, TN 38138

FOR LEASING OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102)

FIRST USE 3-11-2011, IN COMMERCE 3-11-2011

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR

SER. NO. 85-216,607, FILED 1-13-2011

DAWN FELDMAN, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

2/23, 11:36 PM

Case 2:23-cv-02186 Document 1-2 Filed 04/03/23 Page 2 of 25 PageID 65



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Mega Awesome Apartments helps honest & environmentally conscious renters find ethical & eco-friendly owners. Treat your residents as you want to be treated; that is our philosophy!

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Our Favorites

1. Bozzuto
2. Camden Living
3. Trinity Property Consultants
4. Lincoln Property Company
5. Avalon Communities

Our Least Favorites

1. Anza Management Company
2. Great Jones
3. Mid-America Apartment Communities Inc.
4. Essex Property Trust
5. Equity Residential

in

Exhibit E

Doo Crew

From: Mail Delivery Subsystem <maybear1420@gmail.com>
Sent: Saturday, July 6, 2024 6:19 PM
To: jgolwen@bassberry.com; jordan.thomas@bassberry.com; robert.delpriore@maac.com
Subject: Mr. Noel Email

FYI - have a good day.

Dennis

----- Forwarded message -----

From: D P <maybear1420@gmail.com>
Date: Sat, Jul 6, 2024, 5:13 PM
Subject: Re: 7/6/24 - Professional Board Responsibility Complaint
To: <randy.noel@butlersnow.com>
Cc: D P <maybear1420@gmail.com>

Mr. Noel,

In addition, over seven orders have been issued against me by Mr. Kapellas, as confirmed by metadata directly from the court docket. Mr. Kapellas and Mr. Golwen have collaborated on several cases, making any claim of no conflict of interest or abuse of power within that court system an outright lie.

I have endured over three years of relentless harassment by Mid-America Apartment Communities, Inc. (MAA) in an attempt to coerce information from me. They have sent people to my home, inundated me with text messages, emails, and calls, and spread lies throughout the company about my claims and sexuality. In 2021, they promised to provide me with a report of their findings, which could have easily resolved this entire issue. Instead, this outrageous retaliation and harassment have escalated to the point where they absurdly claim that I harassed them with fabricated accusations. They even created LinkedIn profiles mocking my mental state and falsely alleging that I have been deceitful throughout this ordeal.

Since April 2023, they have unlawfully subpoenaed my emails and supposed bank records, fabricating absurd accusations. Bass, Berry & Sims PLC has bombarded me with relentless mailings. I have voluntarily provided all these mailings to the DOJ to document this harassment.

This constant harassment has forced me to change my email, phone number, and other personal contact information. I am expected to endure these baseless attacks without recourse. Therefore, I respectfully request that Paige and the court issue the final judgment in my case. I will pay the judgment, appeal the decision, and move on.

If there are any questions or further clarifications needed, please do not hesitate to reach out.

Sincerely,

Dennis Philipson

On Sat, Jul 6, 2024 at 4:57 PM Mail Delivery Subsystem <maybear1420@gmail.com> wrote:
Thank you Mr. Butler for your declaration as well.

Please let me know if you need any other information.

Dennis Philipson

----- Forwarded message -----

From: **Mail Delivery Subsystem** <maybear1420@gmail.com>
Date: Sat, Jul 6, 2024 at 4:47 PM
Subject: Fwd: 7/6/24 - Professional Board Responsibility Complaint
To: <tFischer@nsastorage.com>, <tfischer@nsareit.net>

----- Forwarded message -----

From: **Doo Crew** <Authorcase@outlook.com>
Date: Sat, Jul 6, 2024 at 11:56 AM
Subject: Golwen and Kapellas Complaint
To: swright@tnbar.org <swright@tnbar.org>, lbrown@tnbar.org <lbrown@tnbar.org>, kbelcher@tnbar.org <kbelcher@tnbar.org>, cbennett@tnbar.org <cbennett@tnbar.org>
Cc: Doo Crew <authorcase@outlook.com>

Good afternoon,

I hope this message finds you well. I have a concern regarding a potential conflict of interest and ethical violation involving attorney John Golwen of Bass, Berry & Sims PLC and judicial law clerk Michael Kapellas, a former attorney with the same firm until 2020.

Both individuals have worked on numerous cases against me and are now involved in a retaliation case against me with MAA Mid-America Apartment Communities. Given their prior professional relationship and involvement in my cases, I believe this situation raises significant ethical questions.

I have provided meta-data to the Board of Professional Responsibility, Judicial Board, Circuit Executive, and DOJ, demonstrating that Mr. Kapellas authored at least seven biased orders against me. Despite this, I noticed that he was recently honored with an award. Instead of recognition, I feel his conduct should be scrutinized.

Please review the attached and the active case 2:23-cv-02186 for further details.

Thank you for your attention to this matter.

Dennis Philipson

----- Forwarded message -----

From: **Board of Professional Responsibility : Complaints, .** <complaints@tbpr.org>

Date: Sat, Jul 6, 2024 at 9:32 AM

Subject: New Complaint: 2024-11329-COMP

To: Philipson, Dennis <mikeydphilips@gmail.com>

Dear Mr. Dennis Philipson,

The Board of Professional Responsibility received your complaint against John Stone Golwen, and it has been assigned a complaint number of 2024-11329-COMP .

If you have not already submitted documentation supporting your complaint, please do so as soon as possible and include the provided complaint number. If the Board of Professional Responsibility does not receive supporting documentation within 30 days of filing the complaint, the complaint will be dismissed.

After receipt of your complaint and supporting documentation, the Board of Professional Responsibility will review your complaint for possible ethics violations. If the Board of Professional Responsibility opens an investigation, you will be provided with a new Investigation File Number.

Send supporting documentation by the following means (being certain to include the Complaint Number):

Email: complaints@tbpr.org

Traditional Mail:
10 Cadillac Dr Ste 220
Brentwood, TN 37027

I am compelled to express my increasing frustration and grave concern regarding the persistent harassment and unfounded legal proceedings that have been directed against me since April 2023. These actions appear to be a clear attempt to retaliate against me for my role as a whistleblower, extracting the evidence I provided to federal authorities, and subjecting me to ongoing intimidation and harassment. Despite my previous formal complaints against Ms. Mills and Mr. Kapellas, there has been a conspicuous lack of response or remedial action from your board.

The potential collusion between your board and Mr. Golwen, a prominent attorney, raises significant ethical concerns. The apparent abuse of judicial power within this court, particularly involving its judicial law clerk and the law firm Bass, Berry & Sims PLC, further exacerbates these issues. My extensive research through the PACER system reveals substantial conflicts of interest permeating this case and others, warranting urgent and thorough investigation.

Under 28 U.S.C. § 455, judges and judicial officers are required to disqualify themselves in any proceeding where their impartiality might reasonably be questioned. This standard extends to situations

involving prior relationships and potential conflicts of interest, which are evidently present in this case. The Code of Conduct for United States Judges mandates that judges must uphold and promote the independence, integrity, and impartiality of the judiciary and avoid impropriety and the appearance of impropriety in all activities. Canon 3 of this Code specifies that judges should perform the duties of the office fairly, impartially, and diligently, and should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment.

The Western District of Tennessee Local Rules, particularly Rule 83.5, emphasize the necessity of maintaining high standards of professional conduct. The rule clearly stipulates that any conduct that compromises the integrity of the court must be addressed promptly and decisively. Despite these clear legal mandates, there has been a persistent failure to address the conflicts of interest and unethical behavior that I have reported. The professional relationship between the attorney in my case and the judicial law clerk should have been disclosed from the outset to avoid any appearance of bias. This non-disclosure is a serious breach of ethical conduct and undermines the fairness of the judicial process.

Moreover, the continued harassment and issuance of unfounded orders against me constitute an abuse of the judicial process. Such actions are not only unjust but also violate my rights under the Due Process Clause of the Fifth Amendment, which guarantees fair legal proceedings.

I have dutifully fulfilled my responsibility by reporting these serious issues to you, extending my concerns to both criminal and civil trial contexts. Additionally, I have communicated these matters to the Judicial Board, the Sixth Circuit Executive, and the Department of Justice. However, the lack of action and continued harassment I am experiencing suggests that these proceedings have become a spectacle for your amusement rather than a pursuit of justice.

I urge you to take immediate and effective action to rectify these violations. I formally request an immediate judgment and the termination of the proceedings against me. The ongoing harassment and retaliatory actions are unacceptable and must be stopped to uphold the principles of justice and fairness. Your prompt and decisive response is crucial to restoring confidence in the judicial system and ensuring that such abuses of power do not continue unchallenged.

Exhibit F

Doo Crew

From: D Philips <mikeydphilips@gmail.com>
Sent: Tuesday, June 25, 2024 9:47 AM
To: Mason Behr
Subject: Fwd: A Request to Join GettingOut

----- Forwarded message -----

From: **GettingOut Customer Care** <noreply@gtl.net>
Date: Mon, Jun 24, 2024 at 9:40 PM
Subject: A Request to Join GettingOut
To: <phillydee100@gmail.com>

[Online Help](#)

|
866-516-0115



You Have a New Inmate Contact Request.

Hello phillydee100@gmail.com,

CHRISTOPHER FLOWERS, a resident at *Laurel County Correctional Center*, would like to be able to communicate with you. If you would like to be connected to this inmate, click the button below to accept the request:

[Yes, I want to "Create A New Account"
so I can connect with this inmate »](#)

Note: You can block any contact at any time by logging in and clicking the "Block" button on that contact's profile page.

[GettingOut](#) by Telmate is the sole communication provider for residents at this facility. If you have any questions, visit www.gettingout.com or call 24/7 bilingual toll free number at 866-516-0115.

Thank you for using [GettingOut](#) by Telmate.

What is GettingOut by Telmate?

GettingOut by Telmate is a communications system designed to make it simple for friends and family to connect with inmates by phone, video visitation, voicemail, written messages, photo sharing and more!

[Go to GettingOut.com »](#)

Deposit Funds

You may deposit funds to Inmate, Friends & Family and Trust accounts online at GettingOut.com, at a *Telmate kiosk*, or over the phone 24/7 by calling **866-516-0115**.

[Log in to
Deposit Funds »](#)

Schedule a Visit

Login to our system to schedule video visits at your facility or in some locations by computer or mobile phone.

[Log in to
Schedule a Visit »](#)

Need Help?

Visit our [Frequently Asked Questions](#) area on our website or call our customer service staff at **866-516-0115**.

[Visit Our
FAQs »](#)

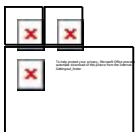
If you no longer want to receive notifications like this one, [please click here](#).

If this was done by mistake, please visit our website or call our Customer Service line:
<https://www.gettingout.com/online-customer-service/> OR call 866-516-0115.

[GettingOut.com](#)

Need Help? | 866-516-0115 | [Online Help](#)

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Doo Crew

From: GettingOut Customer Care <noreply@gtl.net>
Sent: Monday, June 24, 2024 9:41 PM
To: dphilipson1982@yahoo.com
Subject: A Request to Join GettingOut

[Online Help](#)

866-516-0115

You Have a New

Inmate Contact Request.

Hello dphilipson1982@yahoo.com,

CHRISTOPHER FLOWERS, a resident at **Laurel County Correctional Center**, would like to be able to communicate with you. If you would like to be connected to this inmate, click the button below to accept the request:

[Yes, I want to "Create A New Account" so I can connect with this inmate »](#)

Note: You can block any contact at any time by logging in and clicking the "Block" button on that contact's profile page.

[GettingOut](#) by Telmate is the sole communication provider for residents at this facility. If you have any questions, visit www.gettingout.com or call 24/7 bilingual toll free number at 866-516-0115.

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[Log in to Deposit Funds »](#)

Schedule a Visit

Login to our system to schedule video visits at your facility or in some locations by computer or mobile phone.

[Log in to](#)
[Schedule a Visit »](#)

Need Help?

Visit our [Frequently Asked Questions](#) area on our website or call our customer service staff at **866-516-0115**.

[Visit Our](#)
[FAQs »](#)

If you no longer want to receive notifications like this one, [please click here](#).

If this was done by mistake, please visit our website or call our Customer Service line: <https://www.gettingout.com/online-customer-service/> OR call 866-516-0115.

[GettingOut.com](#)

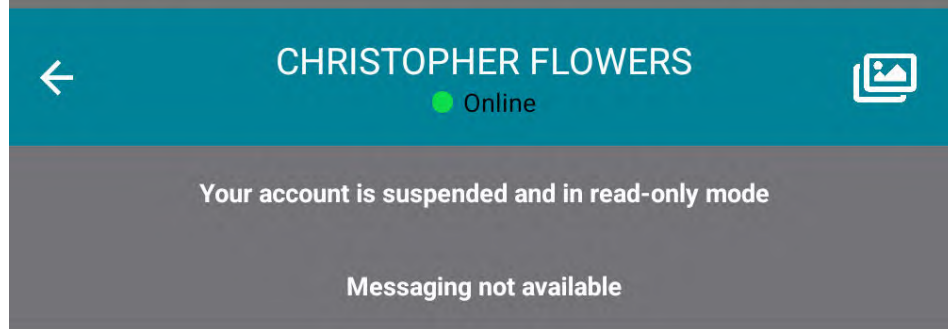
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Start of Conversation

Jun 25, 2024

CHRISTOPHER FLOWERS

8:25 AM

Hey good morning. Thank you for accepting my request. How are you doin?

Sent: 6/25/2024

You

10:38 AM

I am good, how are you doing? Hows the weather in Kentucky?

Sent: 6/25/2024

Approved

CHRISTOPHER FLOWERS

10:54 AM

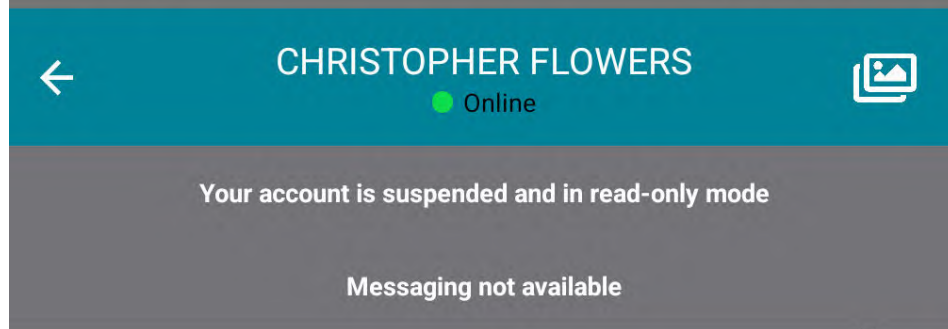
I'm good and its supposed to be hot today we go outside at 2 for an hour today but all we can see is the sky. Did you put 25 on my media account? I assume its you because I don't talk to anyone else. The media account is good to watch movies play games and listen to music. I seen you tried to call I don't have any funds on my trust account though its 25 a min. They have two options for inmate accounts trust\commisary and inmate accounts. Where are you at?

Sent: 6/25/2024

You

11:03 AM

Oh that's good, sorry you only get to see the sky. Yeah I added \$25 to your account, I got a few close friends and family in prison, so I know how tough it is. Ah, didn't know two different accounts. Well text is fine then. What you in for?



You

11:08 AM

Sorry in NY right now also.

Sent: 6/25/2024

Approved

CHRISTOPHER FLOWERS

11:16 AM

Well thank you very much I've been locked up for two years now on federal gun and drug charges. Everyone I was good to out there and people I thought was my friends have up and fogot about me over the last two years. So it really means a lot for you to do that for me they have news feeds on the tablets I'm gonna use that money to look at that it cost 3 cents a min. I'm from Toledo Ohio originally but was living in Knoxville Tenn when I was arrested. So where in NY do and what do you do for a living if you don't mind me asking. Idk if you seen my mug shot but that was after me sitting inna county jail with no shave or haircut for a year I still haven't cut my hair though

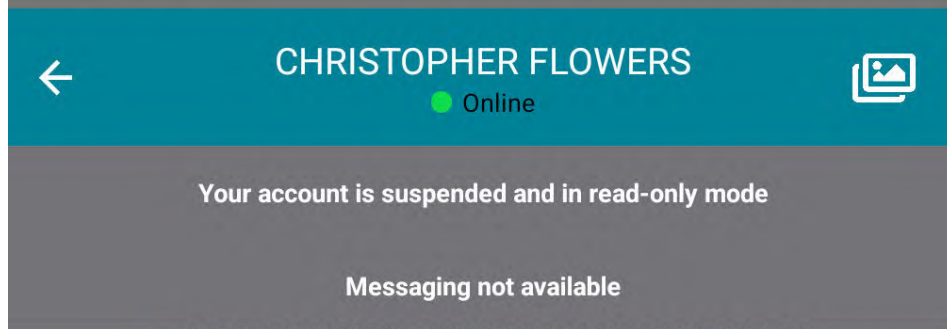
Sent: 6/25/2024

You

11:25 AM

I'm glad I could help out. It's tough being in there, especially when people you thought you could count on fall away. I've been in Buffalo, NY, for a bit. I own a bunch of rental properties in upstate NY, which keeps me pretty busy.

That's good to hear about the news feeds. Three cents a minute isn't too bad, and staying informed can make a big difference. I've got friends with the same charges and some worse, so I understand how challenging it can be.



so I understand now challenging it can be.
Staying connected to the outside world helps a lot.

I haven't seen your mug shot, but I can imagine it's been rough without a proper haircut or shave.

How long are you in for?

Sent: 6/25/2024

Approved

CHRISTOPHER FLOWERS

11:35 AM

I've been to Buffalo twice coming back from Niagara Falls when I was younger. So my plea deadline is august 16 I rejected to last plea they came with they are offering to drop both my gun charges if I plea to conspiracy to distribution of 500 grams or more of meth witch carriers 10 to life my attorny feels I'm at the 11 to 12 year guidelines to with potential good time he feels with the 2 years I've done I'm probly looking at another 5 so I'm hoping on that

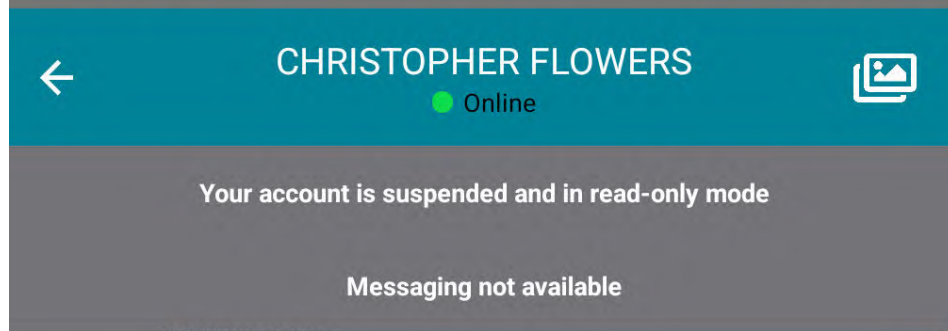
Sent: 6/25/2024

You

11:56 AM

I'm sorry about that, that sucks. Buffalo is indeed a great place! I was just in Niagara Falls last week. Who are the judge and attorney involved? I know a few attorneys and I'm curious if there might be a connection. Also, how did you find my contact information? I thought one of my friends in prison might have given it to you, but they said they didn't. I do enjoy a good pen pal, though!

Sent: 6/25/2024



Approved

CHRISTOPHER FLOWERS

12:24 PM

I have judge Varlan and my lawyer is Richard Stooksbury and Ben Sharpe. So one of the guys in hear gave me a couple emails yesterday that he said came from Christian ministry pen-pal service and its funny because I came across you by mistake he ment to give me phillyvee100@gmail so I guess the mistake worked out and I sure would love someone to talk to I have old friends and what not pop in for a week or so then I no longer hear from them

Sent: 6/25/2024

You

12:36 PM

Ah gotcha. Well that's cool. I am sorry your friends don't get back to you. What do you get to do to kill the time? Do you have to pay for everything? Do you have a job in there?

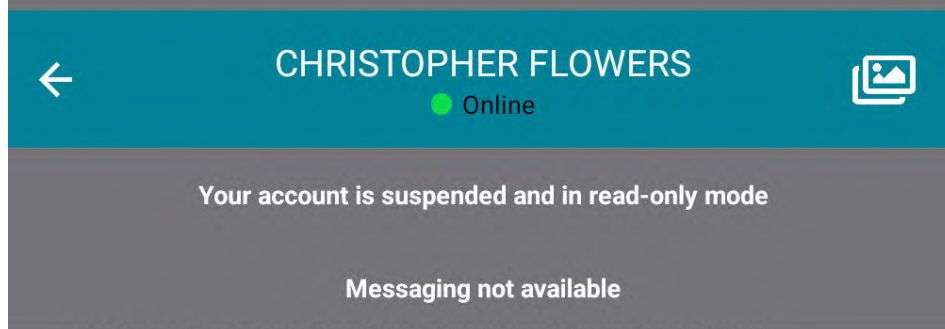
Sent: 6/25/2024

Approved

CHRISTOPHER FLOWERS

12:54 PM

So I'm on a room with 9 other guys thats 15 by 40 there is a TV on the wall we have a lot of channels so good. There really not a whole lot to do I play spades and rummy and a couple other card games and yes everything cost the only thing that is free is I can message you. The food hear sucks most of the guys in hear have some money and are able to order store they have commissary three days a week here. The one thing I can't go without is coffee lol. But they have movies video games and news



that cost 5 and 5 cents a min. So what do you do to pass the time? Do you have any hobbies?

Sent: 6/25/2024

CHRISTOPHER FLOWERS

12:55 PM

Oh and no jobs either Im a pre trial federal inmate they do not allow us to work they have local county inmates who work in the kitchen and the laundry here

Sent: 6/25/2024

You

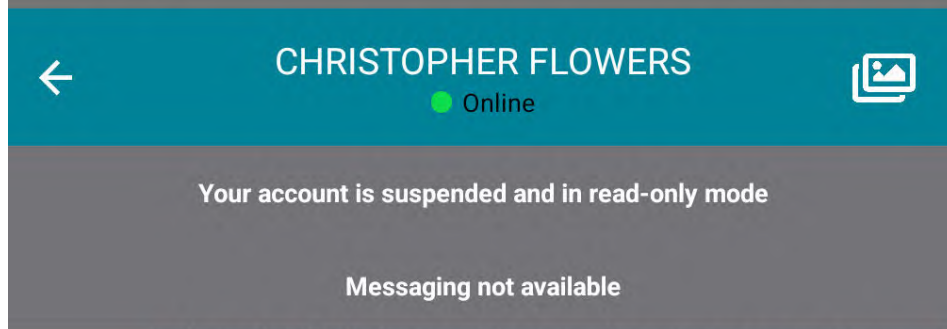
1:29 PM

Thanks for sharing what life is like for you right now. It sounds like you're making the best of a tough situation. Playing cards like spades and rummy must be a good way to pass the time, and it's great that you have access to TV with a lot of channels.

I can't imagine how frustrating it must be for everything to cost money, especially with the food not being great. At least you have commissary access three times a week and can get your coffee fix—it's funny how some things become non-negotiable, even in tough times.

As for me, I keep busy with a few hobbies. I love reading, so I spend a lot of time with books. I'm also into writing and sometimes dabble in creative projects. When I need to unwind, I enjoy watching movies or catching up on my favorite TV shows. It's not always easy to stay entertained, but I try to make the most of it.

Do you have any favorite movies or TV shows that you watch? And how do you feel about



favorite TV shows. It's not always easy to stay entertained, but I try to make the most of it.

Do you have any favorite movies or TV shows that you watch? And how do you feel about the card games—are they mostly for fun, or is there some serious competition going on? Stay strong, and keep those messages coming. It's great to hear from you.

Sent: 6/25/2024

Approved

You

1:31 PM

Did the friend who introduced you to pen pals happen to be an inmate as well? If so, is he also looking for a pen pal? I love meeting new folks.

Sent: 6/25/2024

Approved

CHRISTOPHER FLOWERS

1:45 PM

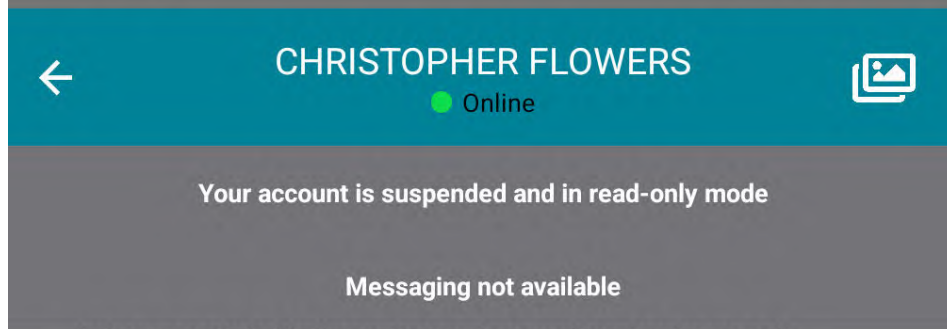
I try and make the best out of everything its hard to sometimes. And yes coffee is a must I don't get commissary but a couple guys do help me out with a cup every now and then I also trade some food from my dinner and lunch trays for coffee. And the cards get pretty competitive my spade partner gambles a ramen noodle a game witch is 85 cents and at the end of the day if we won he will split with me.

Sent: 6/25/2024

CHRISTOPHER FLOWERS

1:49 PM

My movies are forest gump -castaway - full metal jacket- breakfast club idk there are a lot lol we watch Yellowstone- love after lock up- all sports- love and hip hop- body came- we watch a lot of show about cars



lol we watch Yellowstone- love after lock up- all sports- love and hip hop- body came- we watch a lot of show about cars

Sent: 6/25/2024

CHRISTOPHER FLOWERS

1:50 PM

And I'll ask my friend he had his sister look up the pen pals with me in mind because he new I was looking for some one to talk to and connect with he knows I've been struggling a bit lately

Sent: 6/25/2024

You

2:01 PM

Ah sorry man, I am sure it's tough. Yeah lot of great movies and shows out there. Lol Ramen noodles. That was nice of his sister to look them up. I'm not even sure where to register, lol

Sent: 6/25/2024

Approved

You

2:02 PM

Where does she go through to look them up? I looked up Christian ministries, seems like a lot.

Sent: 6/25/2024

Approved

CHRISTOPHER FLOWERS

3:43 PM

Prisoners for Christ. And cppministries

Sent: 6/25/2024

CHRISTOPHER FLOWERS

3:45 PM

So we just got back inside six of us went out when we came back in a couple of the guys said I looked like lobster. The sun was right overhead so I rolled my pants up took my shirt off and sun bathed it felt great just getting



CHRISTOPHER FLOWERS

Online

Your account is suspended and in read-only mode

Messaging not available

So we just got back inside six of us went out when we came back in a couple of the guys said I looked like lobster. The sun was right overhead so I rolled my pants up took my shirt off and sun bathed it felt great just getting some sun makes a big difference

Sent: 6/25/2024

You

3:48 PM

Haha that's great! Yeah, the sun feels good. Can I ask, who your friend is that gave you the penpal names? Just curious.

Sent: 6/25/2024

Approved

You

3:49 PM

Cause I got an email form you on two of my email addresses, so my name must be somewhere.. lol

Sent: 6/25/2024

Approved

You

3:59 PM

I deposited \$25 in your commissary too

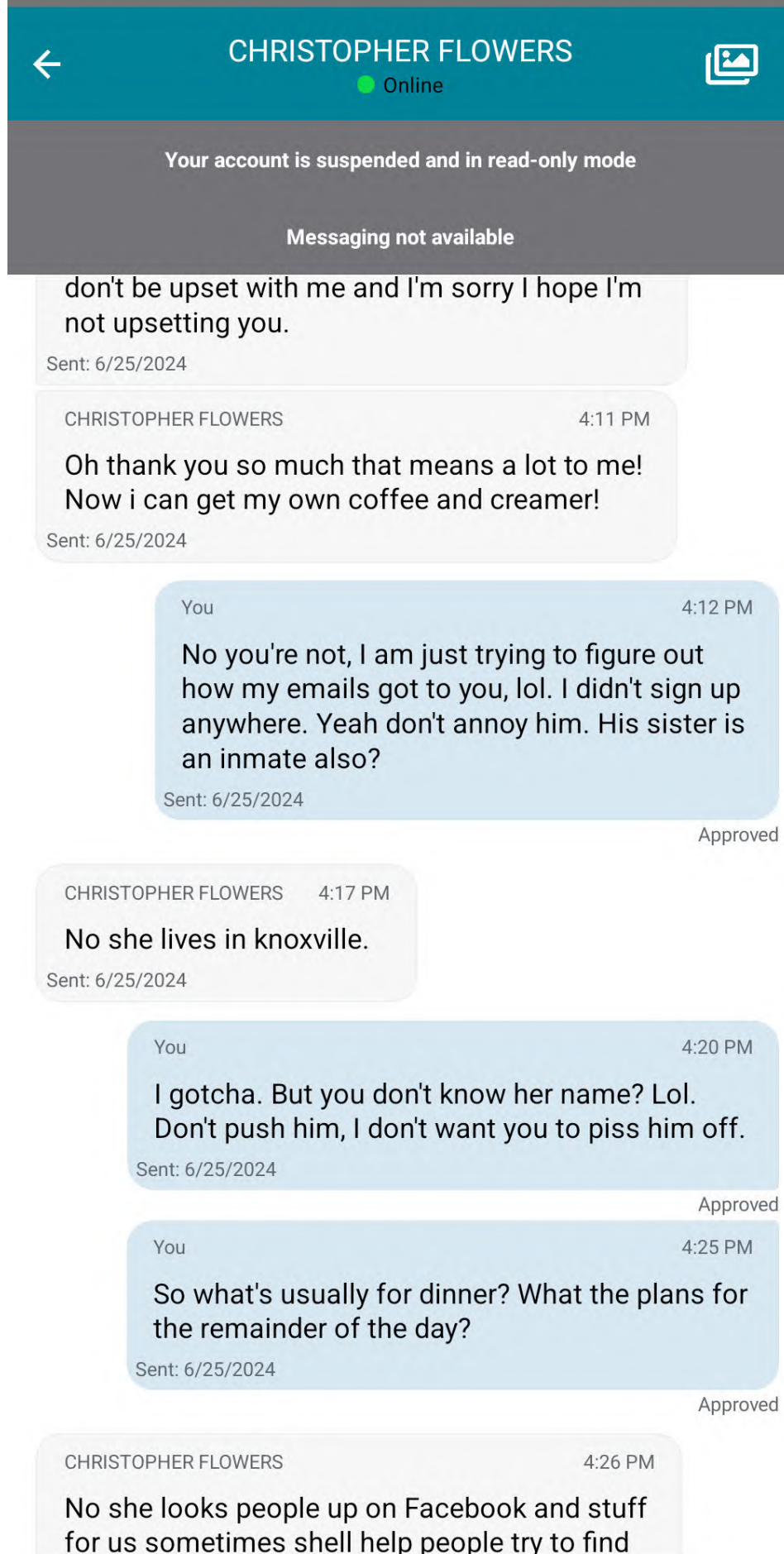
Sent: 6/25/2024

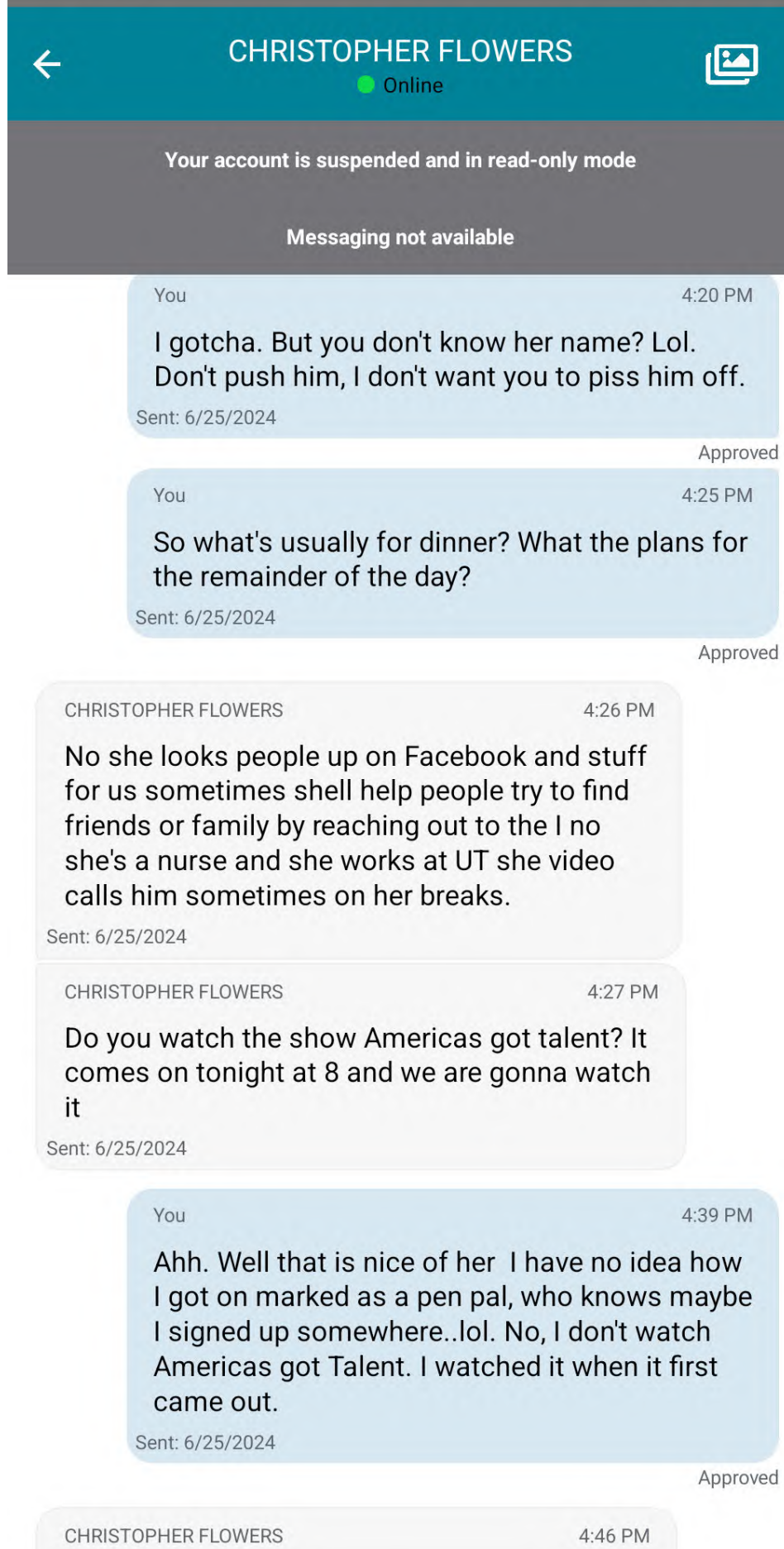
Approved

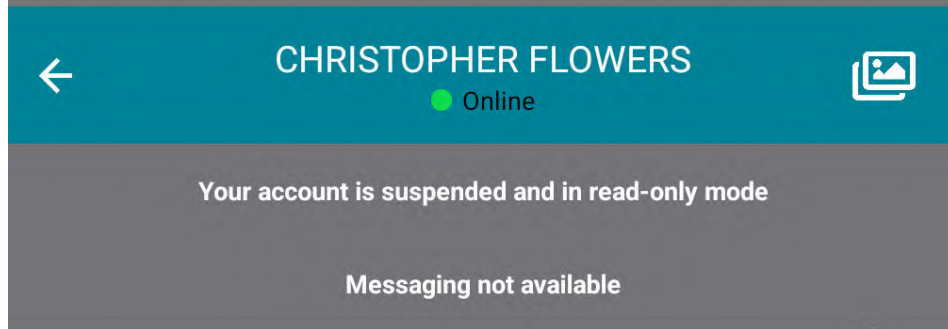
CHRISTOPHER FLOWERS

4:10 PM

Really? So he said I can tell you he goes by Gus he said it came from his sister I don't wanna push to hard I kinda am getting the feeling he's getting annoyed and maybe thinks I'm playing games with him. I don't wanna make any trouble it just got passed along to me because I was looking for someone to talk to. Please don't be upset with me and I'm sorry I hope I'm not unsettling you







CHRISTOPHER FLOWERS

4:46 PM

Well dinner is about here its breakfast for dinner its horrible I mean its bad. And I won't forward your info to anyone you have my word.

Sent: 6/25/2024

CHRISTOPHER FLOWERS

4:48 PM

Well probly settle in with a couple shows tonight and maybe find a movie to watch. Yesterday we watched jumanji with the rock and Kevin Hart. And anchor man 1 and 2 with will Ferrell he's one of my favorites.

Sent: 6/25/2024

You

5:15 PM

Haha. Yes, will Ferrell is great. Step brothers is classic. Sorry about the food.

Sent: 6/25/2024

Approved

CHRISTOPHER FLOWERS

5:24 PM

Ah yes step brothers! Did you touch my drum set? Lol they played that a couple weeks ago on FX

Sent: 6/25/2024

You

5:26 PM

Hahaha. This shit cost.25 cents to send a message for me. That sucks unfortunately.

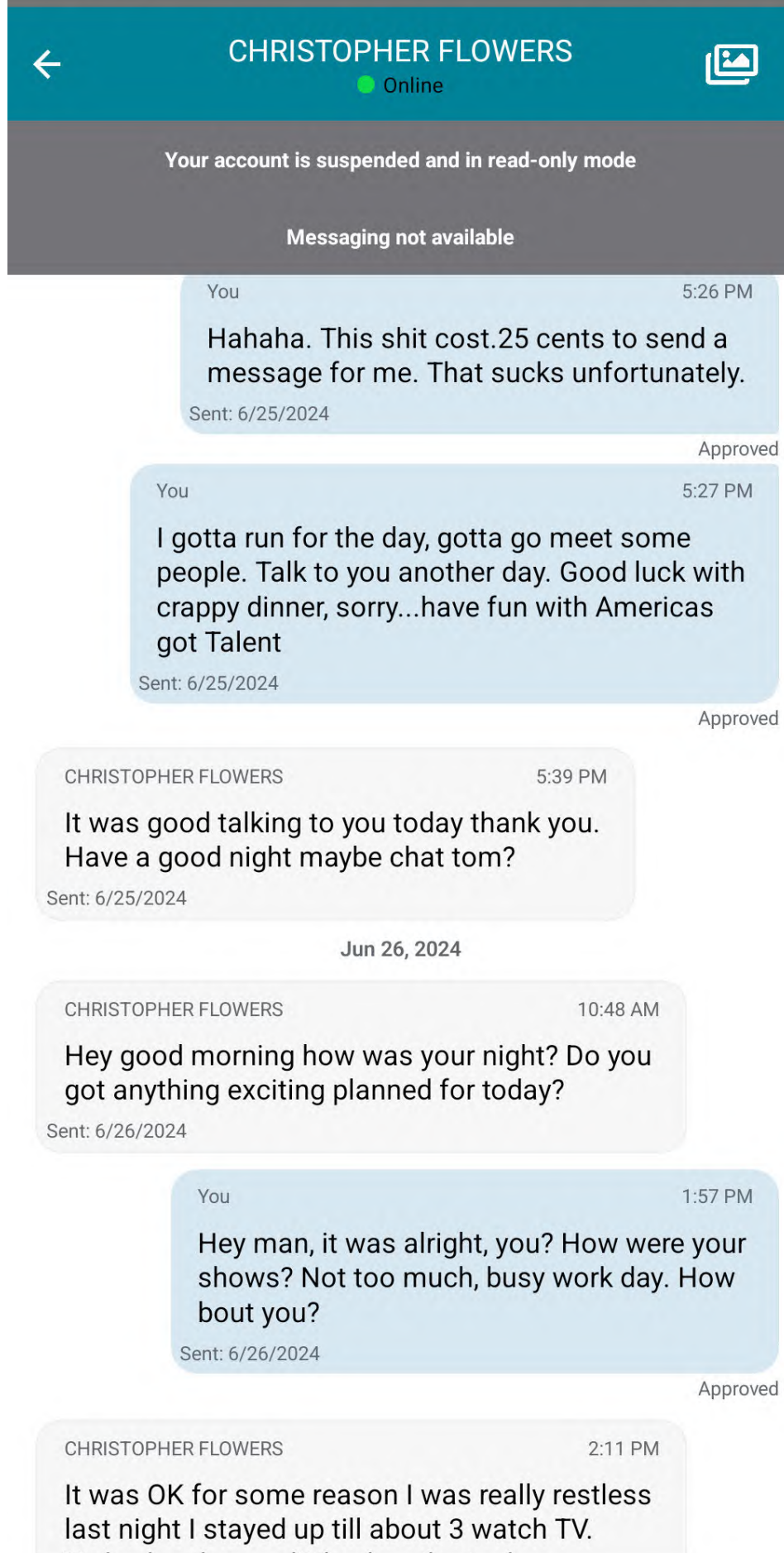
Sent: 6/25/2024

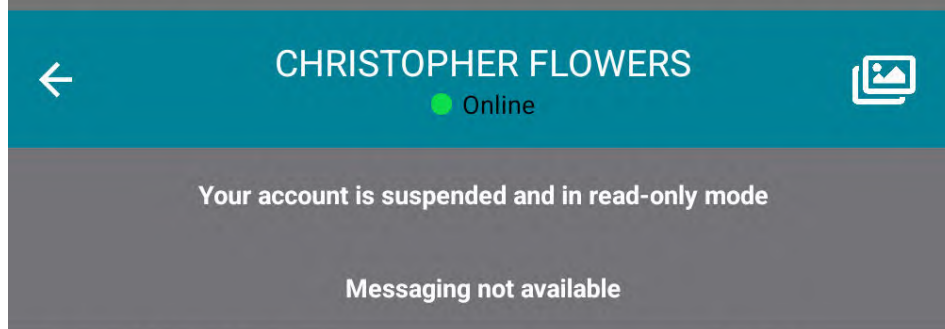
Approved

You

5:27 PM

I gotta run for the day, gotta go meet some people. Talk to you another day. Good luck with





CHRISTOPHER FLOWERS

2:11 PM

It was OK for some reason I was really restless last night I stayed up till about 3 watch TV. Today has been a little slow the took my card buddy to the hospital this morning he is supposed to have his gullblader removed. We are watching a TV show called court cam rn on A&E. I hope you ain't working to hard today. I really wanna thank you again for the conversation and the support it means a lot to me you are really a blessing

Sent: 6/26/2024

You

7:46 PM

Ahh, yeah I hate when you can't fall asleep. Hopefully all goes alright with your friend. Yeah I have been super busy at work. Hope everything goes alright with your card buddy. Never seen Court Cam, but I like A&E alot.

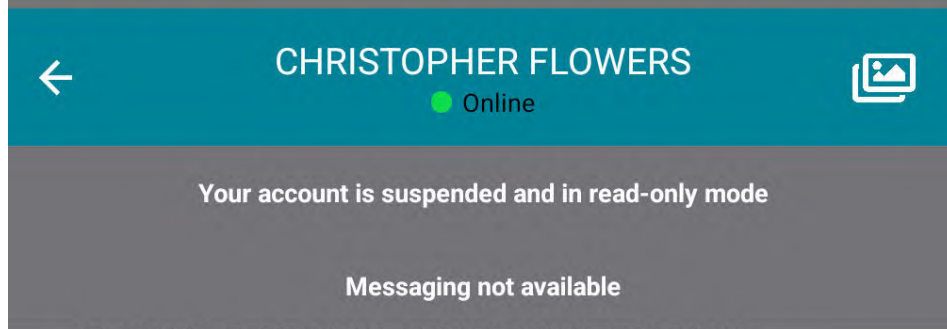
Sent: 6/26/2024

Approved

CHRISTOPHER FLOWERS

8:25 PM

Hey I'm sorry your day has been so busy. So tonights programs are on a channel called Vice at 9 its United Gangs of American at 10 its the history of the Hells Angels I really like the one about the Hells Angels we just finished watching the Magnificent 7 it was pretty good. And your not missing much with court cam its just videos of outbursts in the court room some are good and some not. We are watching a little bit of the NBA draft rn. So I did my store order for the money you sent me I got a bag of coffee 2 10 packs of sweetener 1 8oz bag of refried beans 1 hot nickle 1 ialaneño nack



of refried beans 1 hot pickle 1 jalapeño pack
6 ramen noodles 6 pack of cheese puffs 2
strawberry deddie cakes 1 vanilla moon pie and
a grape soda that was 24.68 thank you very
much! So do you have anything planned for the
weekend? Are you expecting a busy day tom?

Sent: 6/26/2024

Jun 27, 2024

CHRISTOPHER FLOWERS 9:41 AM

Good morning

Sent: 6/27/2024

You

3:48 PM

Hey,


Hope you're doing well! Sorry for the delay in writing back, it's been a crazy busy week on my end. Work has been nonstop, and by the time I get home, I'm just wiped out.

I saw your last message and those TV shows you mentioned sound interesting, but to be honest, they're not really my style, lol. I'm more into crime shows, documentaries, horror, and comedy. There's just something about a good true crime series that keeps me hooked. And you can't go wrong with a classic horror flick or a stand-up comedy special to lighten the mood.

So, anyone at all on the outside? Family, friends, maybe a lady? It's gotta be tough being in there without much contact. I can't imagine how that feels. Just know I'm here for you, even if it's just through these messages



CHRISTOPHER FLOWERS

 Online

Your account is suspended and in read-only mode

Messaging not available

Yeah, you mentioned the food sucks there. That's rough, man. How long have you been in there now? When did you get arrested? It feels like it's been forever. How many people are in there with you? Any fights or stuff like that going on? I imagine it can get pretty intense sometimes.

Anyway, I'm just rambling now. I hope everything's good on your end. Looking forward to hearing more about what else you're up to, like what you're reading or any other activities they have besides TV and screen time.stuff.

Take care!

Sent: 6/27/2024

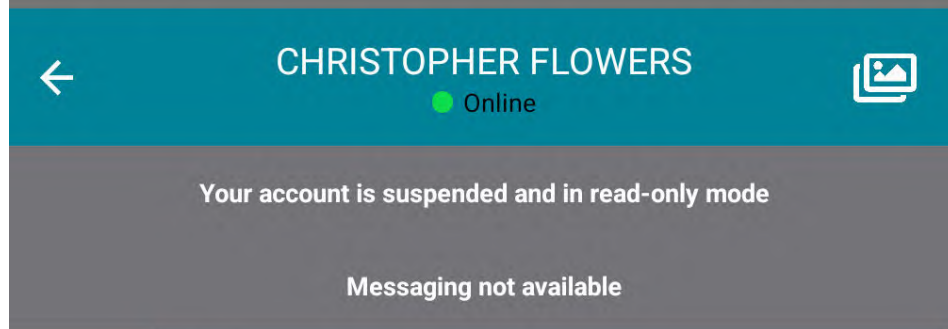
Approved

You

3:59 PM

Also, I'm still trying to figure out who this dude's sister is and how someone got ahold of my email addresses. If you ever manage to dig up anything, or your friends real name, definitely give me a heads up. I don't know anyone at UT Medical, and those Christian websites you mentioned? Yeah, they said they don't have my info. Strange stuff... I have some enemies in Tennessee, especially in the legal realm, so I'm kinda wondering if they're messing with me. Anyway, keep me posted.

It all works out since now I've got you as a pen pal. I think I'm gonna start sending longer messages but less frequently because, man, they charge for each one and I'm definitely not rolling in dough, lol.



Catch you later

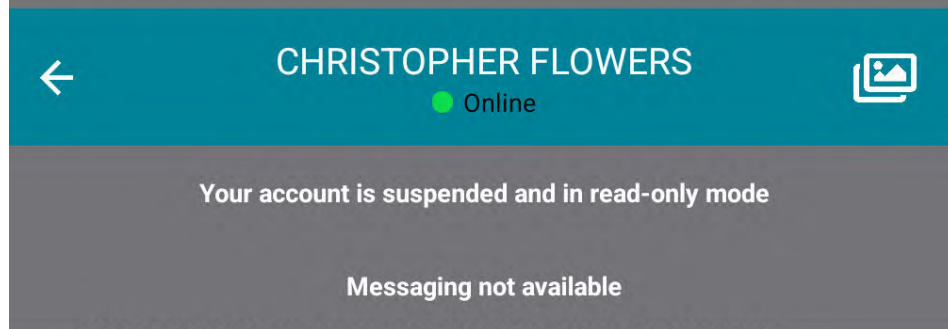
Sent: 6/27/2024

Approved

CHRISTOPHER FLOWERS

4:35 PM

Hey my day has been OK its been slow though we just watched the movie The Book of Eli. Do you ever watch american greed or I almost got away with it or forensic files we watch these also. We have been watching Interview with a vampire on AMC as well. So as far as I who I talk to I don't limit myself when it comes to talking to men or women if I feel a connection or good vibes from someone that's a good start for me. Giving what I did to make my money I've meet all kinds of people good and bad and a lot who I never would have thought would turn there backs on me in my time of need that's what hurts the most I was so giving and willing to help anyone out and now I can't even get anyone to answer the phone for me. It hurts. When I do start talking to someone lately I ask them what there intentions are because Im used to hearing from someone then two weeks later they are gone I hate getting I don't wanna say attached but it seems like a good word to use but getting attached to someone looking forward to messages and what not just feel like someone cares. It takes alot for someone to take time out of there day to message someone whos locked away. The only person I talk to now is my sister she has two young kids she ten yeass younger than me and I only hear from her maybe once a month. I hope that wasn't to much enjoy the rest of your day. Oh are you watching the debate tonight?



Sent: 6/27/2024

Jun 28, 2024

CHRISTOPHER FLOWERS

10:41 AM

Hey good morning! So to finish your questions from yesterday. Yes the food is not very good its the same menu every week tonight is there version of taco one tortilla shell taco meat bland beans over cooked rice its pretty bad I would almost kill for a salt and pepper shaker lol. It can get frustrating sometimes sometime I'd love some alone time so I got raided on July 14 2022. I sat in Knox county for a year before the feds indicted me I've been hear since last June this is a local county and temporary federal holding facility with people from Kentucky Tennessee Virginia the Carolina's Georgia and a few other states. I'm locked in a cell with 9 other people we have 8 total in here rn two got shipped to prison on Monday. Also don't ever say your just rambling on lol I know its expensive but I could talk all day! Its amazing what communication with someone can do for you. So I do love to read but this jail does not have a library or books the only books you can have is a religious book and the sell those on the commisary. They do allow news papers to be sent in I was trying to get the Knoxville sentinel sent in I had someone last year say they was gonna get me a subscription but then I stopped hearing from them I was pretty excited about that. The only exercise I get is walking in circles lol. Well I'm ready for the next wave of questions lol. Have a great



CHRISTOPHER FLOWERS

Online



Your account is suspended and in read-only mode

Messaging not available

year say they was gonna get me a subscription but then I stopped hearing from them I was pretty excited about that. The only exercise I get is walking in circles lol. Well I'm ready for the next wave of questions lol. Have a great day don't work too hard.

Sent: 6/28/2024

Jun 29, 2024

CHRISTOPHER FLOWERS

9:33 AM

Good morning! How was your night? We got two new guys from North Carolina yesterday and they wanted to get up first thing and talk. Its a little upsetting we like to sleep in even more on the weekend. Well I hope all is well.

Sent: 6/29/2024

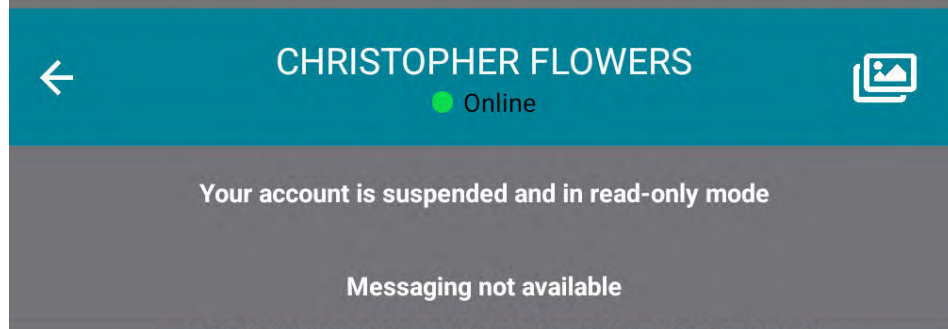
You

12:03 PM

Good morning!

That taco night sounds pretty rough—I can't imagine having the same meal every week. Must really make you miss the little things, like a simple salt and pepper shaker, huh? I was working late last night, trying to wrap up a project, so I totally understand craving something good to eat after a long day.

Hearing about your situation with the raid and the move from Knox to your current place sounds intense. With all those people in one cell, how do you manage any privacy? And with the new guys from North Carolina, does it feel more crowded, or are you guys able to maintain some sense of order?



I've always been curious how close to the reality of jail to what's depicted on TV? Do the gangs and racial groups stick together, or is the atmosphere more relaxed where you are?

It's too bad about the lack of books and other resources. What do you do to keep busy besides the usual walking in circles for exercise?

What are weekends like in there? Do you guys have any special activities, or is it mostly about catching extra sleep? How do you make those days different from the rest?

Also, how's the food on other nights? Is taco night the low point of the week, or are there other meals you dread more?

Looking forward to your updates, and hope today treats you a bit better than yesterday. Take care and talk soon!

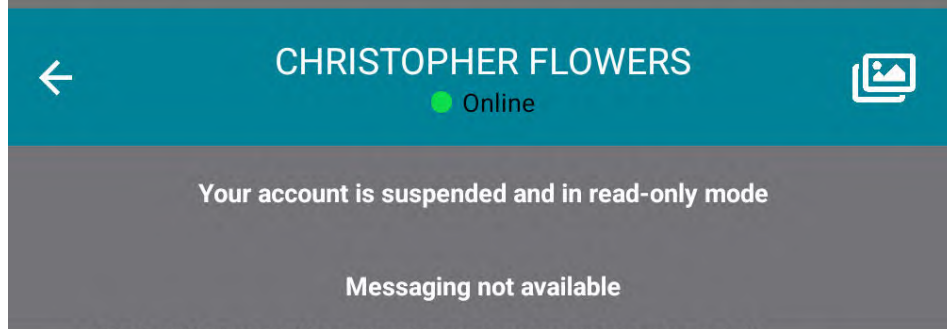
Sent: 6/29/2024

Approved

CHRISTOPHER FLOWERS

12:18 PM

Hey so yes its deff more crowded in here for the most part we all get along there are 5 of us who have been in hear together for 9 months and I actually know two of the guys from the streets. Its more relaxed in hear being a county jail but prison is deff overrun with gangs. We watch a lot of TV and listen to the music videos. I also try and play as much cards as I can to keep busy. Well the weeks ends are a little more laid back the big wigs who run the jail don't work the week ends so we have a bit



jail don't work the week ends so we have a bit more freedom. So today we had hamburger fries and beans its one of the better meals and tonight will be most likely some beef stroganoff. Oh last night I enjoyed a vanilla moon pie and a grape soda thank you for that again I haven't had a soda in a few months!

Sent: 6/29/2024

Jun 30, 2024

CHRISTOPHER FLOWERS 10:55 AM

Good morning!

Sent: 6/30/2024

You

12:04 PM

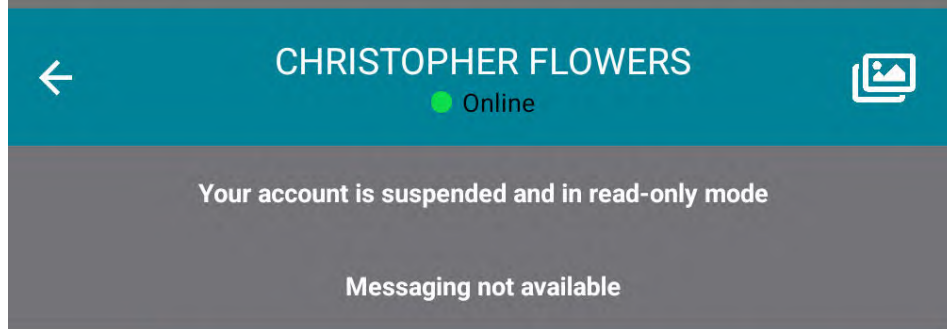
Hey,

Thanks for the update. Is the dude who's giving out my email addresses in the same cell as you? It's really bugging me how that happened.

I can imagine it being more crowded now. It must be a bit of a relief to have some familiar faces around, especially since you've been together for nine months. How's it been reconnecting with those guys you know from the streets?

Sounds like county jail is a bit more relaxed compared to prison. How do you handle the gang situation when you were in prison? That must have been pretty intense.

Watching TV and listening to music videos sounds like a decent way to pass the time. What kind of music are you into? Playing cards



Watching TV and listening to music videos sounds like a decent way to pass the time. What kind of music are you into? Playing cards is a good way to stay occupied too. What games do you usually play?

Weekends sound a bit better if you get more freedom. How do you guys spend that extra bit of freedom? Is there anything specific you look forward to doing?

Hamburger, fries, and beans sound pretty good, especially if it's one of the better meals. Beef stroganoff doesn't sound too bad either. Glad to hear you enjoyed the moon pie and grape soda! It's the little things that can make a big difference, right? Any other snacks or treats you've been craving lately?

Hope today goes smoothly for you. Looking forward to hearing more about how things are going.

Sent: 6/30/2024

Approved

CHRISTOPHER FLOWERS

12:28 PM

So let me clarify about the guys I know from the street one of the guys we crossed patches a few times we knew a lot of the same people. The other we hung out a few times not much though but even us not knowing each other that good we call each other friends and have deff created a bond over the last few month I've got there backs and I feel they have mine. County



CHRISTOPHER FLOWERS

Online



Your account is suspended and in read-only mode

Messaging not available

good we call each other friends and have deff created a bond over the last few month I've got there backs and I feel they have mine. County jail is deff more relaxed a lot less politics. The gang situation is what you make of it don't borrow stuff you can't pay back don't gamble don't steal and mind your own business and you will be fine.

So I like all kinds of music country classic rock some rap it really depends on the moon.

We play spades rummy and I'll play solitaire by myself.

Normally the saying is lights on browns on we have khaki tops and bottoms we have to wear but rn I'm just laying around with white long john bottoms and a white T-shirt.

The little things deff make a difference I'd like to make some nachos and I really wanna get snikers candy bar and

Sent: 6/30/2024

CHRISTOPHER FLOWERS

12:31 PM

Dr pepper those are my favorite sodas oh and some flammin hot cheatos I love those too lol! So what are you doing today? How's the weather up there? I'm bummed we was supposed to go outside this morning but it was raining so they didn't let us go out. Well I'm looking forward to hearing from you as always have a good day.

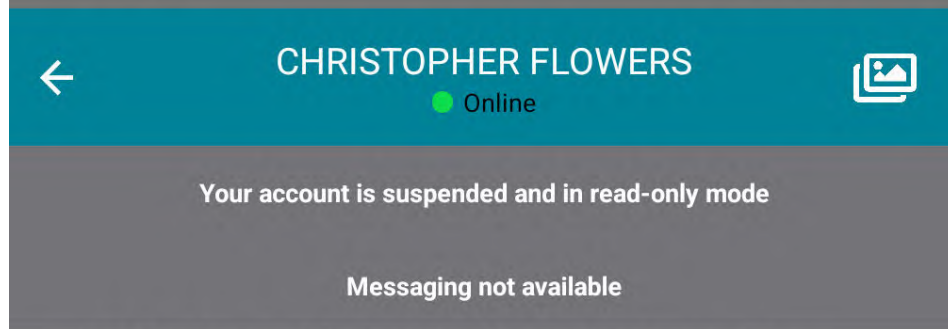
Sent: 6/30/2024

CHRISTOPHER FLOWERS

9:47 PM

Hey I hope you had a great day! Mine was chill layed around all day and watched TV. Have a good night ttyl!

Sent: 6/30/2024



looking forward to hearing from you as always
have a good day.

Sent: 6/30/2024

CHRISTOPHER FLOWERS

9:47 PM

Hey I hope you had a great day! Mine was chill
layed around all day and watched TV. Have a
good night ttyl!

Sent: 6/30/2024

Jul 01, 2024

CHRISTOPHER FLOWERS

8:56 AM

Good morning! I hope you slept well. I hope you
have a great day don't work to hard. I also have
a request I love the 4 of July and fireworks is
there anyway you can send me a good pic of
some fireworks this week and maybe one of
Niagara falls please

Sent: 7/1/2024

You

5:13 PM

Yeah of course. Find out how that guy got my
email addresses and I will throw \$100 on your
commission account. I'll take some pictures on
the 4th. When I get back up to Niagara Falls I'll
take some. Hope your day is well too. Just got
done working. Have to go meet someone for
dinner. Have a great day and night.

Sent: 7/1/2024

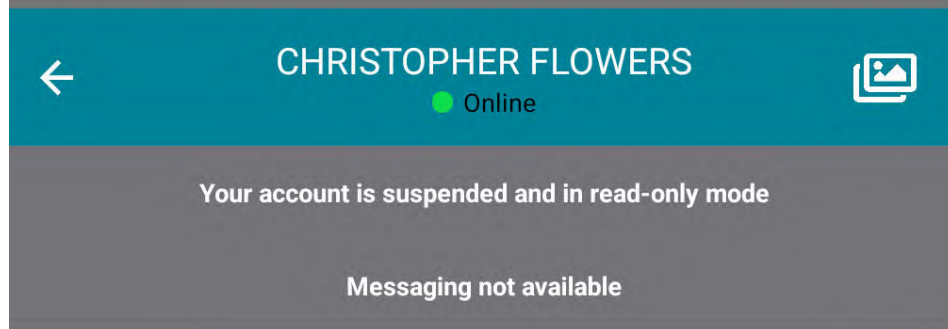
Approved

You

5:14 PM

I want to know who he really is, who his sister
is and how they got both those private email
addresses. Something is fishy.

Sent: 7/1/2024



Approved

CHRISTOPHER FLOWERS

5:23 PM

OK I will try but I don't wanna push to hard. They moved everyone out of the cell today but luckily me and him got moved to the same cell. I'll tell him you really wanna know but I feel like now the only reason you are talking to me is to find out and I don't wanna you to stop talking to me.

Sent: 7/1/2024

CHRISTOPHER FLOWERS

5:40 PM

OK so I talked to him and I promised I would not give his name. Everything he said was bs he said he was trying to get in my good graces he said he came across the emails on the law library idk how you can find emails on the law library but that is where they really came from please don't be upset with me.

Sent: 7/1/2024

You

5:55 PM

Nah he's lying still. One of my emails was not even in PACER and it was completely private. Some one from the courts gave him my email to try to intimidate me. No, I seriously like talking to you. I don't have many friends and was looking to make friends as well. I just know something is fishy and still don't believe him. I wish we knew his real name.

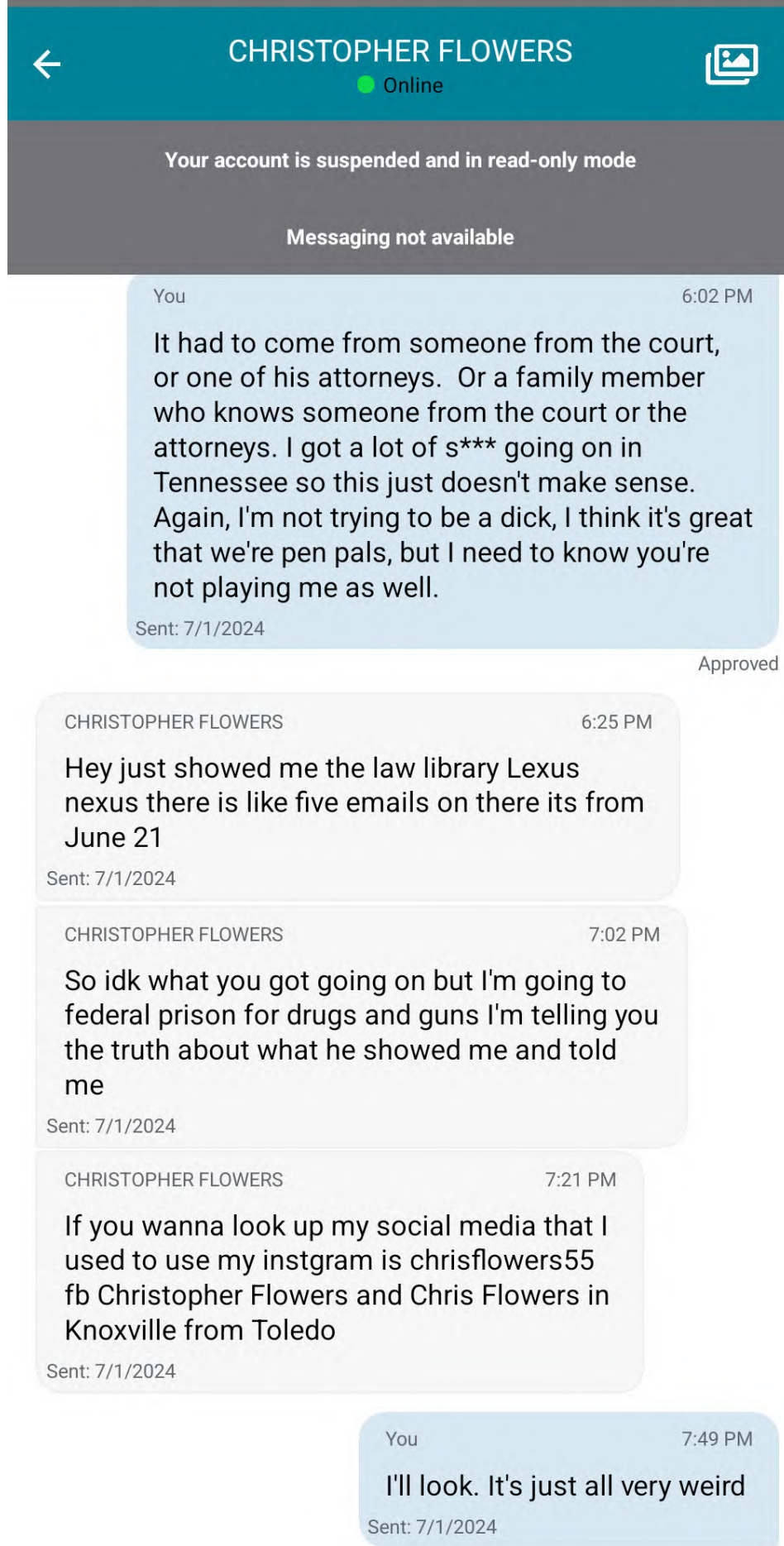
Sent: 7/1/2024

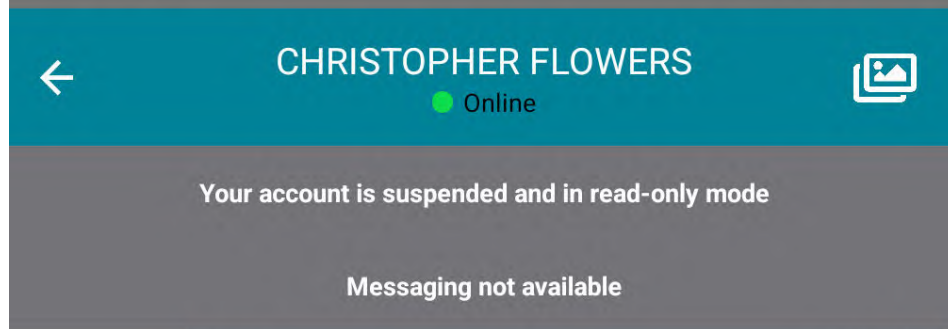
Approved

You

6:02 PM

It had to come from someone from the court, or one of his attorneys. Or a family member





You

8:13 PM

I gave you \$50. I'm not buying the whole story tbh. Thanks for the information you gave me. Doesn't make sense though

Sent: 7/1/2024

Approved

CHRISTOPHER FLOWERS

8:17 PM

Look I'm not on no bullshit I swear. I'm glad you pushed the issue about me finding out now I'm pissed at my so called buddy because he lied to me about bullshit. I understand how it seems weird but he showed me on the law library on the tablet I wish I could copy and paste but I can't. I can tell you this I believe in any relationship without trust or communication weather its business personal or private without either one it won't work I want you to be able to trust me you can ask anything you want of me and I'll answer I just can't have problems in hear

Sent: 7/1/2024

You

8:19 PM

I saw the emails on Lexis Nexis, I get that, I just don't understand why he would give you them out of all the emails on that site... Anywho, anything good going on tonight? I don't use FB or Instagram, courts in Tennessee kept subpoenaing all my shit.

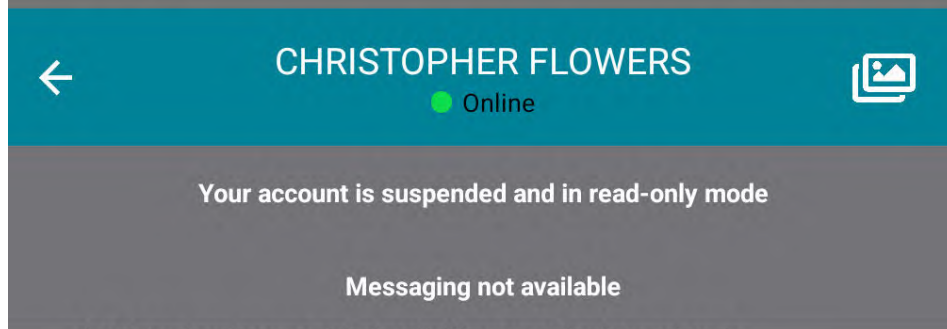
Sent: 7/1/2024

Approved

CHRISTOPHER FLOWERS

8:19 PM

And to be honest I don't like you being short with me. I'll look. Its just all very weird. Lol I'm



And to be honest I don't like you being short with me. I'll look. Its just all very weird. Lol I'm just joking frfr message me asap I look forward to every meassage

Sent: 7/1/2024

You

8:19 PM

What's his name?? How do you not know Gus's name

Sent: 7/1/2024

Approved

You

8:21 PM

I got into the site. No big deal. I don't trust any of these lawyers and judges in Tennessee

Sent: 7/1/2024

Approved

CHRISTOPHER FLOWERS

8:24 PM

Idk why he would do that he gave me three all together the only thing I can think of is he was maybe thinking if I connected with someone I might look out for him or look up to him I honestly don't no why. I understand how its wiered to you but I don't think I've made anything wiered I really don't know anything about you other than what you've told me I just don't wanna cause issue with me in hear

Sent: 7/1/2024

CHRISTOPHER FLOWERS

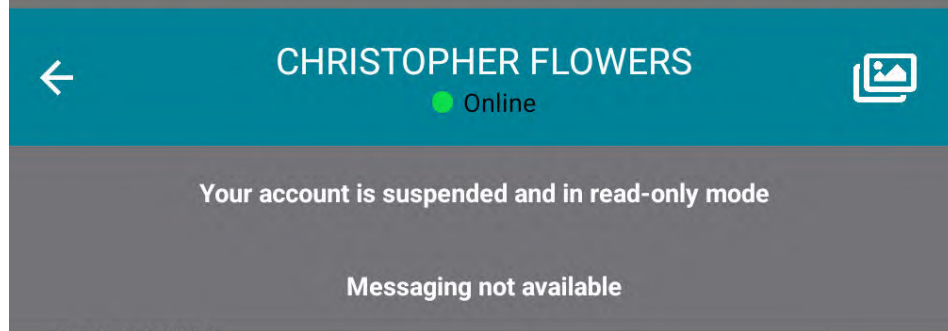
8:26 PM

I can tell you Gus is in hear for the same thing I am and he's about to do 17 years

Sent: 7/1/2024

You

8:29 PM



You

8:29 PM

Ok thanks for helping for what you could. You tried. Hope you have a good night

Sent: 7/1/2024

Approved

CHRISTOPHER FLOWERS

8:32 PM

I feel like your mad at me please don't be

Sent: 7/1/2024

You

8:34 PM

Lol, I'm not. There is just something shady with this dude..it's not your fault.

Sent: 7/1/2024

Approved

You

8:35 PM

What was the third email he gave you?. btw?
What's on tv for tonight

Sent: 7/1/2024

Approved

CHRISTOPHER FLOWERS

8:43 PM

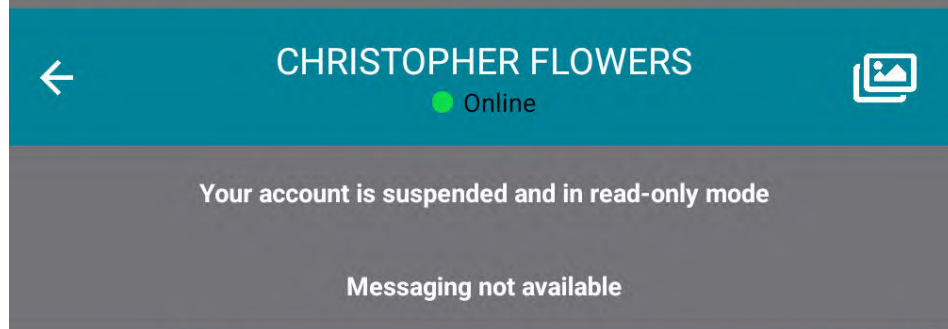
We are watching basketball wife's rn not really my cup of tea though at 9 we are watching fights. And the third was (so it's random gmail.com

Sent: 7/1/2024

CHRISTOPHER FLOWERS 8:59 PM

My bad spell correct its
(soitsrandy@gmail.com

Sent: 7/1/2024



You

9:14 PM

Soitsrandy@gmail.com? Interesting...well I am being sued for millions of dollars by a shady company, shady lawyers and shady courts. Basketball wives? Lol I'm sorry about that..what fights?

Sent: 7/1/2024

Approved

CHRISTOPHER FLOWERS

9:31 PM

Do you no that one? And omg I'm sorry about what your going trough. I don't have much i can offer you being in hear but my word is everything. Anyone who really knows me will speak on how loyal I am I'd be looking at half the amount of time I'm gonna have to do but I ain't no snitch i take my licks as a man. And trust I no how shady the legal system is. The fight are its called the bare knuckle fight league. Thank you for being so good to me please just don't ghost me. That's all I'm used to people leaving me all my so called friends have counted me out since I won't be home soon I'm a let down to my family. But like I said I'm loyal and I'm open to anything I hope you have a great night I'm stressing a bit now I'm in a new cell with 8 new guys its nerve racking

Sent: 7/1/2024

CHRISTOPHER FLOWERS

9:32 PM

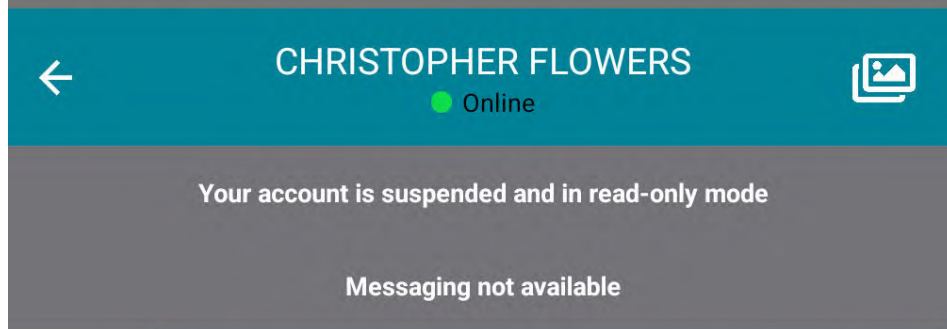
These tablets turn off at 10 pm btw

Sent: 7/1/2024

You

9:49 PM

Yeah you too man. I'm not gonna ghost you. My problems are not as bad as yours talk to



Yeah you too man. I'm not gonna ghost you. My problems are not as bad as yours.. talk to you soon. Super busy week coming up. Will try to get at you when I can. Hopefully you all get along with the new guys. If you find out Gus's real name, lemme know. Lol. I'm sure you can figure it out on the prison website roster. That is the last thing I'll ask lol. Have a good night

Sent: 7/1/2024

Approved

You

9:50 PM

Get a soda and snack on me btw. Hopefully they are not too costly

Sent: 7/1/2024

Approved

CHRISTOPHER FLOWERS

9:54 PM

Ty and please try to find the time to message at least once a day I really look forward to it and I'm not gonna lie I'm kinda used to it now it feels good having someone out there I'm deff gonna get a soda and some cheetos thank you Philly have a good night talk to you tom

Sent: 7/1/2024

Jul 02, 2024

CHRISTOPHER FLOWERS

10:02 AM

Good morning!

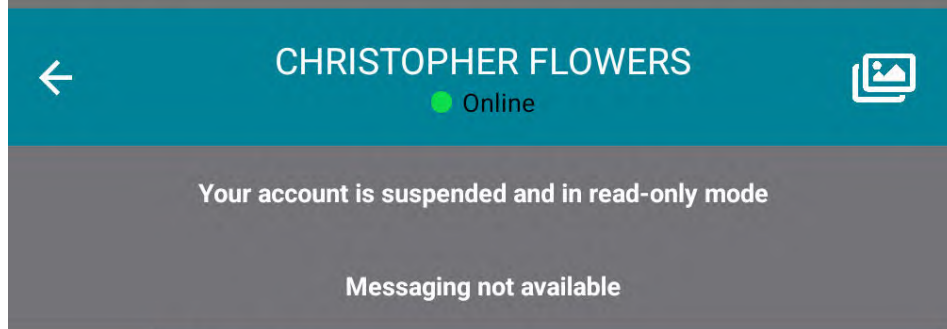
Sent: 7/2/2024

You

1:24 PM

Hey Chris,

What's up? What are the plans for today?



Hey Chris,

What's up? What are the plans for today?
What's on the menu for food? Do you get a
menu for the week or is it the same all month?
What else are you doing today? I'll do my best
to try to message you once a day. Sometimes
it's hard, but I'm trying.

How was the night with your new cell buddies?
Any of them interesting? Is there anyone in
that jail with West or Middle Tennessee courts,
or are they all from Eastern Tennessee and
Kentucky? I was looking through the roster last
night, but kept getting stuck with verification
codes and got annoyed.

Did you do drugs on the outside or just sell?
What kind of music do you like? Sorry if I repeat
questions sometimes, it's hard to keep track.

Alright, talk to you later.

Sent: 7/2/2024

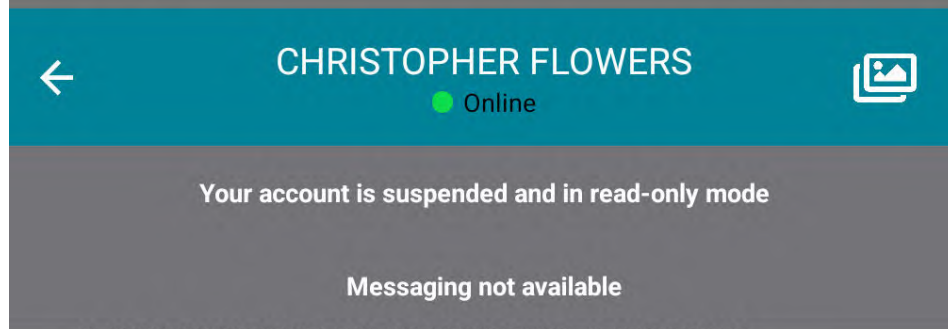
Approved

CHRISTOPHER FLOWERS

2:07 PM

Well I've played some cards today for lunch
we had a spicy chicken patty with cheese cake
carrots it was OK tonight we have breakfast
waffles hashbrowns we have the same menu
every week. We are listening to music videos
rn.

So we got to go outside for rec at 10 last night
it was amazing I heard fireworks! It made my
month the 4th of July has always been big



It was amazing. I heard a moment in time. My month the 4th of July has always been big to me it was my grandpas bday so we really celebrated it. Its crazy but I really appreciate the small things now. I'm not gonna lie when I heard the fireworks last night I got a bit emotional.

It was hard to fall asleep I was anxious tossed and turned for a good while.

So there are 4 from Knoxville including me. 3 from Detroit 2 from Atlanta and 1 from Charlotte.

So for ever I just smoked pot I'm 39 now I used to sniff alittke coke socially on the weekends if we was going out drinking. But I tried ice for the first time when I was 36 I would do it maybe once or twice a week but mainly I smoke pot

Sent: 7/2/2024

CHRISTOPHER FLOWERS

2:09 PM

I like a little bit of everything but really classic rock and country. Do you know Jelly Roll or Morgan Wallen? They are my favs rn. I got a new song I like rn called A bar song by Shaboozy

Sent: 7/2/2024

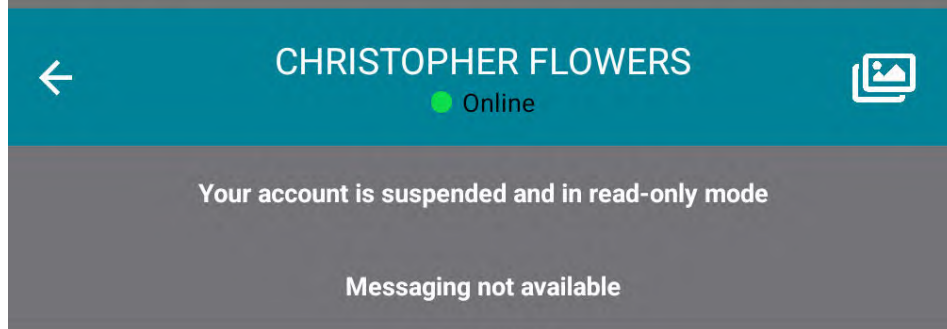
CHRISTOPHER FLOWERS

7:51 PM

Hey how was your day today? I hope you didn't have to work to hard man this new cell kinda sucks after a day you got one guy who seems to want to control the TV all day its kinda getting old already we have been watching love and hip hop all day

Sent: 7/2/2024

Jul 03, 2024



Jul 03, 2024

CHRISTOPHER FLOWERS

9:20 AM

Hey good morning. How was your night? I slept great till about 8. I've been ready on the yahoo news feed. About hurricane Beryl. I've never heard that name before but it rymes with my moms Cheryl. So wyd today? Working hard again?

Sent: 7/3/2024

You

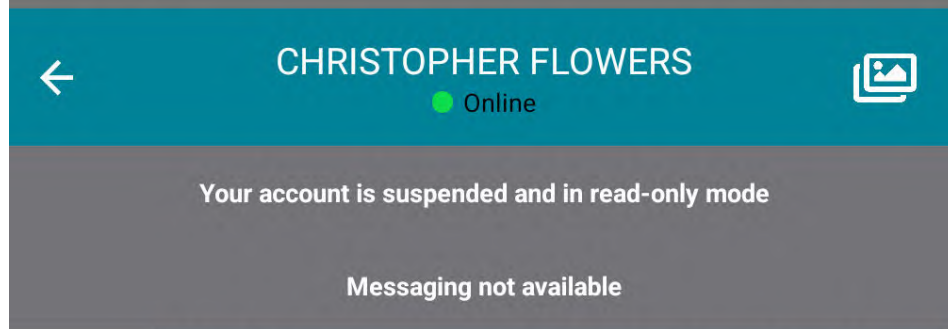
10:46 AM

Sorry for the delay; it's been a crazy busy week. Work has been nonstop, and by the time I get home, I'm pretty wiped out.

I've heard of Jelly Roll and Morgan Wallen, but I'm more into older school grunge like Stone Temple Pilots, Pearl Jam, and Nirvana. Those bands never get old for me. I'll have to check out that song "A Bar Song" by Shaboozy; thanks for the recommendation.

Sounds like you've had a full day with cards and all. Spicy chicken patty for lunch and waffles for dinner—at least it's something decent. It must be nice to get outside for rec; hearing fireworks must have been a special moment, especially with the 4th being your grandpa's birthday. I can imagine how those small things really mean a lot now.

It's interesting to hear about the mix of people in there. It must be quite the dynamic with folks from Knoxville, Detroit, Atlanta, and Charlotte. Do you find it easy to get along with everyone, or are there some tensions?



I didn't realize you were into classic rock and country. It's cool to hear about your music tastes. What's the latest music video you watched that you liked?

My day was pretty hectic again, but I'm managing. That sounds rough about the new cell situation, especially with someone trying to control the TV all day. Watching "Love and Hip Hop" all day would get old fast. Do you guys ever get to switch it up, or is it a constant battle for the remote?

Sent: 7/3/2024

Approved

CHRISTOPHER FLOWERS

11:36 AM

Hey its good to hear from you. I'm sorry your work has been crazy this week. Do you have any plans for the 4 man I wanna see some fireworks so badly.

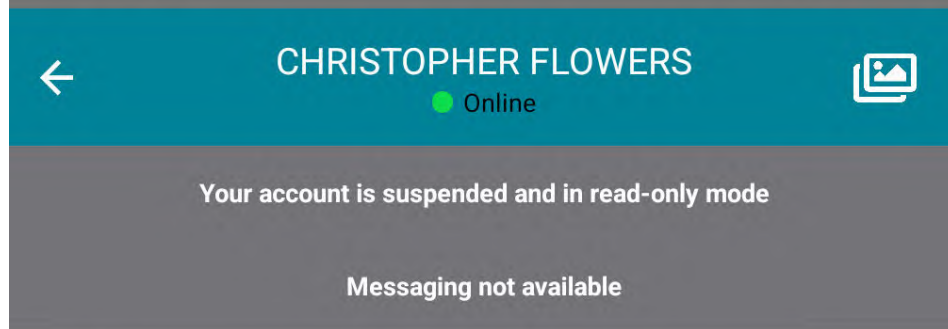
I also like some Pearl Jam and you can never go wrong with Kurt Cobain. My dad got me into classic rock Zeppelin skynard the doors ac\dc Ozzy Janis Joplin Hendrix. I like a lot of older country.

This food is getting old its the same thing over and over. I've been able to eat some different things this week thanks to you.

This new pod I'm not likeing at ALL there are two guys who think they run it its already got old.

If you come across anything cool today snap me a pic. I hope your day goes easy ttyl.

Sent: 7/3/2024



CHRISTOPHER FLOWERS

5:51 PM

Hey so how was your day? Mine has been OK I got my beard trimmed. We watched the first mission impossible today is Tom Cruise 62 birthday. We are watching a show on vh1 called dating naked its deff different. I'm getting ready me and a couple guys are gonna play Uno the card game. We had meat and noodles with like a red sauce carrots corn and cake for dinner. Well I hope you had a good day and if I don't hear from you have a good night.

Sent: 7/3/2024

Jul 04, 2024

CHRISTOPHER FLOWERS

9:00 AM

Good morning happy 4th of July! What are your plans for today? If you are able to can you please put a few dollars on my pre paid account so I can continue to read to news feeds its really been helping me stay to myself in this new pod. We are supposed to go outside for rec at 1 I'm really excited about that! I hope all is well I can't wait to hear from you!

Sent: 7/4/2024

CHRISTOPHER FLOWERS

9:44 PM

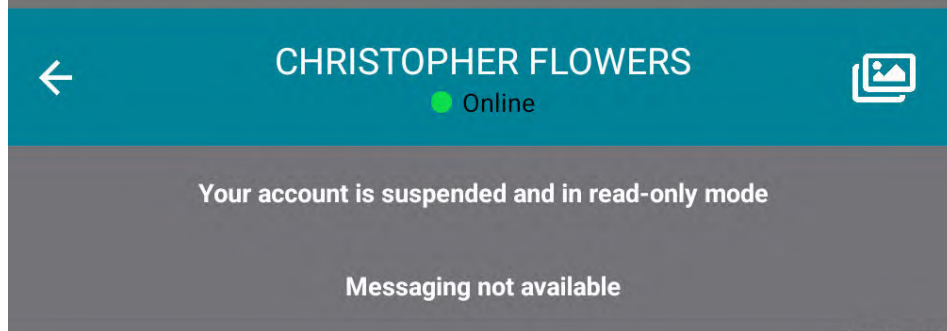
Hey how was you day? Mine was OK I'll tell ya more about it tom have a good night please don't forget a pic of the fireworks

Sent: 7/4/2024

Jul 05, 2024

CHRISTOPHER FLOWERS 8:37 AM

Good morning!



Approved

CHRISTOPHER FLOWERS

11:36 AM

Hey its good to hear from you. I'm sorry your work has been crazy this week. Do you have any plans for the 4 man I wanna see some fireworks so badly.

I also like some Pearl Jam and you can never go wrong with Kurt Cobain. My dad got me into classic rock Zeppelin skynard the doors ac\dc Ozzy Janis Joplin Hendrix. I like a lot of older country.

This food is getting old its the same thing over and over. I've been able to eat some different things this week thanks to you.

This new pod I'm not likeing at ALL there are two guys who think they run it its already got old.

If you come across anything cool today snap me a pic. I hope your day goes easy ttil.

Sent: 7/3/2024

CHRISTOPHER FLOWERS

5:51 PM

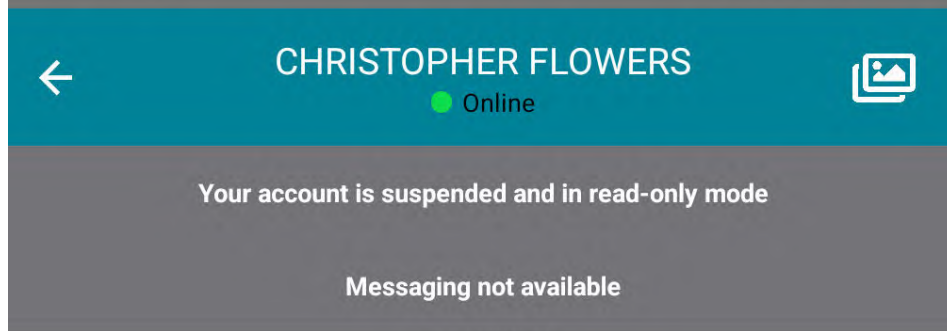
Hey so how was your day? Mine has been OK I got my beard trimmed. We watched the first mission impossible today is Tom Cruise 62 birthday. We are watching a show on vh1 called dating naked its deff different. I'm getting ready me and a couple guys are gonna play Uno the card game. We had meat and noodles with like a red sauce carrots corn and cake for dinner. Well I hope you had a good day and if I don't hear from you have a good night.

Sent: 7/3/2024

Jul 04, 2024

CHRISTOPHER FLOWERS

9:00 AM



Jul 04, 2024

CHRISTOPHER FLOWERS

9:00 AM

Good morning happy 4th of July! What are your plans for today? If you are able to can you please put a few dollars on my pre paid account so I can continue to read to news feeds its really been helping me stay to myself in this new pod. We are supposed to go outside for rec at 1 I'm really excited about that! I hope all is well I can't wait to hear from you!

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Sent: 7/4/2024

Jul 05, 2024

CHRISTOPHER FLOWERS

8:37 AM

Good morning!

Sent: 7/5/2024

CHRISTOPHER FLOWERS

10:19 PM

Hey I hope your day went well today mine was OK did the usual played cards and dicked around all day well I hope you have a good night ttyl

Sent: 7/5/2024

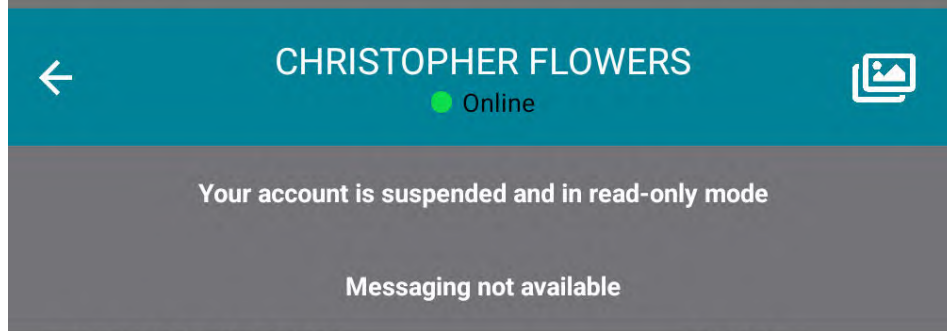
Jul 06, 2024

CHRISTOPHER FLOWERS

9:56 AM

Good morning!

Sent: 7/6/2024



CHRISTOPHER FLOWERS 9:44 PM

Hey how was you day? Mine was OK I'll tell ya more about it tom have a good night please don't forget a pic of the fireworks

Sent: 7/4/2024

Jul 05, 2024

CHRISTOPHER FLOWERS 8:37 AM

Good morning!

Sent: 7/5/2024

CHRISTOPHER FLOWERS 10:19 PM

Hey I hope your day went well today mine was OK did the usual played cards and dicked around all day well I hope you have a good night ttyl

Sent: 7/5/2024

Jul 06, 2024

CHRISTOPHER FLOWERS 9:56 AM

Good morning!

Sent: 7/6/2024

Jul 07, 2024

CHRISTOPHER FLOWERS 11:57 AM

Hey whats up? Is everything OK? Did I upset you? Well I hope all is well have a good day.

Sent: 7/7/2024

Jul 08, 2024

CHRISTOPHER FLOWERS 9:25 AM

Good morning how was your weekend and 4th?

Sent: 7/8/2024

Doo Crew

From: GettingOut Notifications <noreply@gtl.net>
Sent: Tuesday, July 9, 2024 7:57 PM
To: Philly Dee
Subject: A video visit was requested

A Video Visit Was Requested

Hello Philly Dee,

CHRISTOPHER FLOWERS, an inmate at **Laurel County Correctional Center** has **requested** the following video visit with you:

Visit Type: Remote
Location: At Home
With: CHRISTOPHER FLOWERS
Date: 07/09/24
Time: 08:30 pm
Length: 30
Total Charge: \$7.50
Your Login: thedoocrewtoo@outlook.com

Remember – you have to accept the request for the visit to occur.
The visit will only occur if you accept the request.

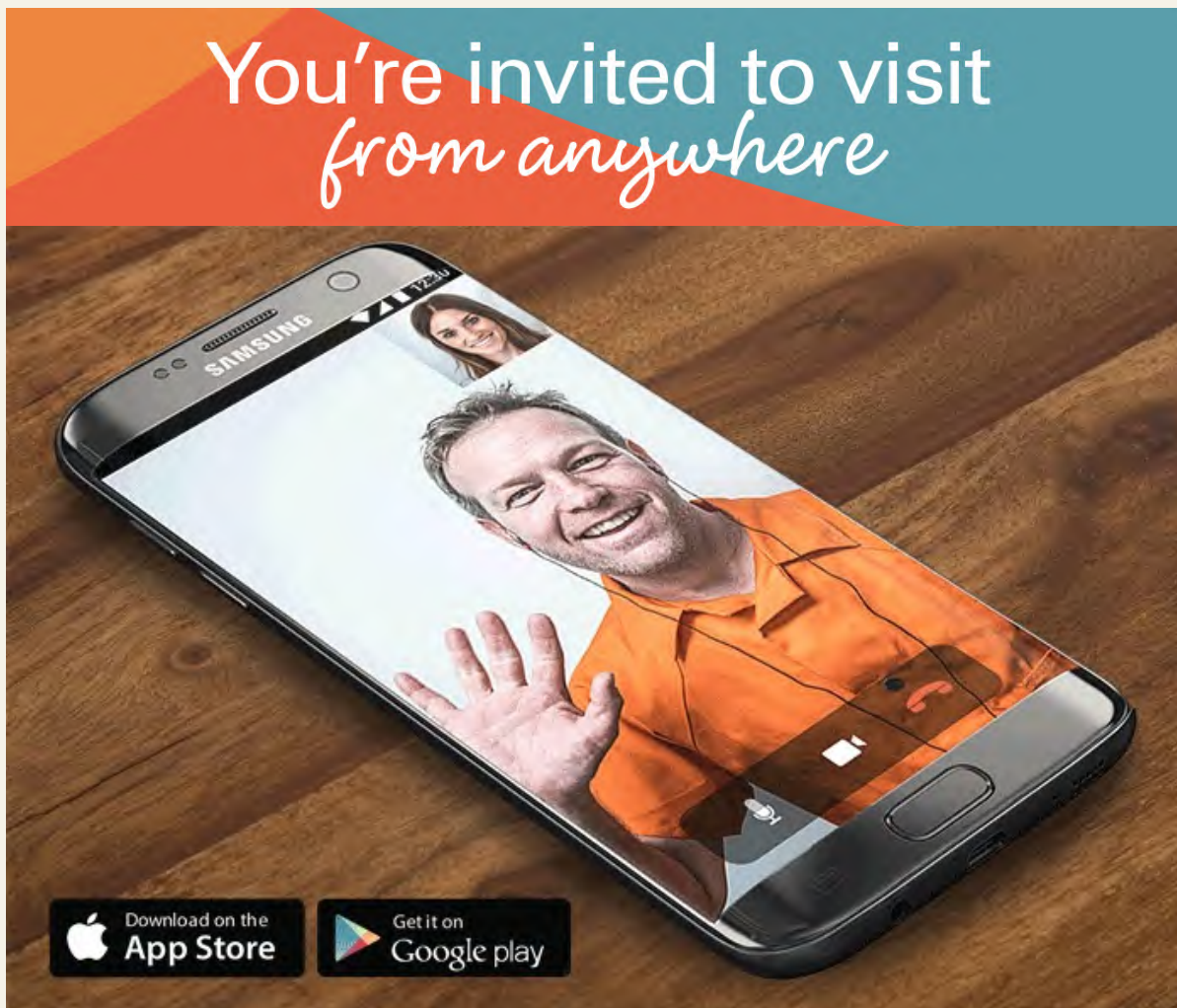
[Respond to the Visit Request >](#)

Note: You can block any contact at any time by logging in and clicking the Block button on that contact's profile page.

Doo Crew

From: GettingOut by GTL <noreply@gtl.net>
Sent: Tuesday, July 9, 2024 7:56 PM
To: Philly
Subject: CHRISTOPHER FLOWERS wants you to download the GettingOut Visits app

Visit from anywhere!



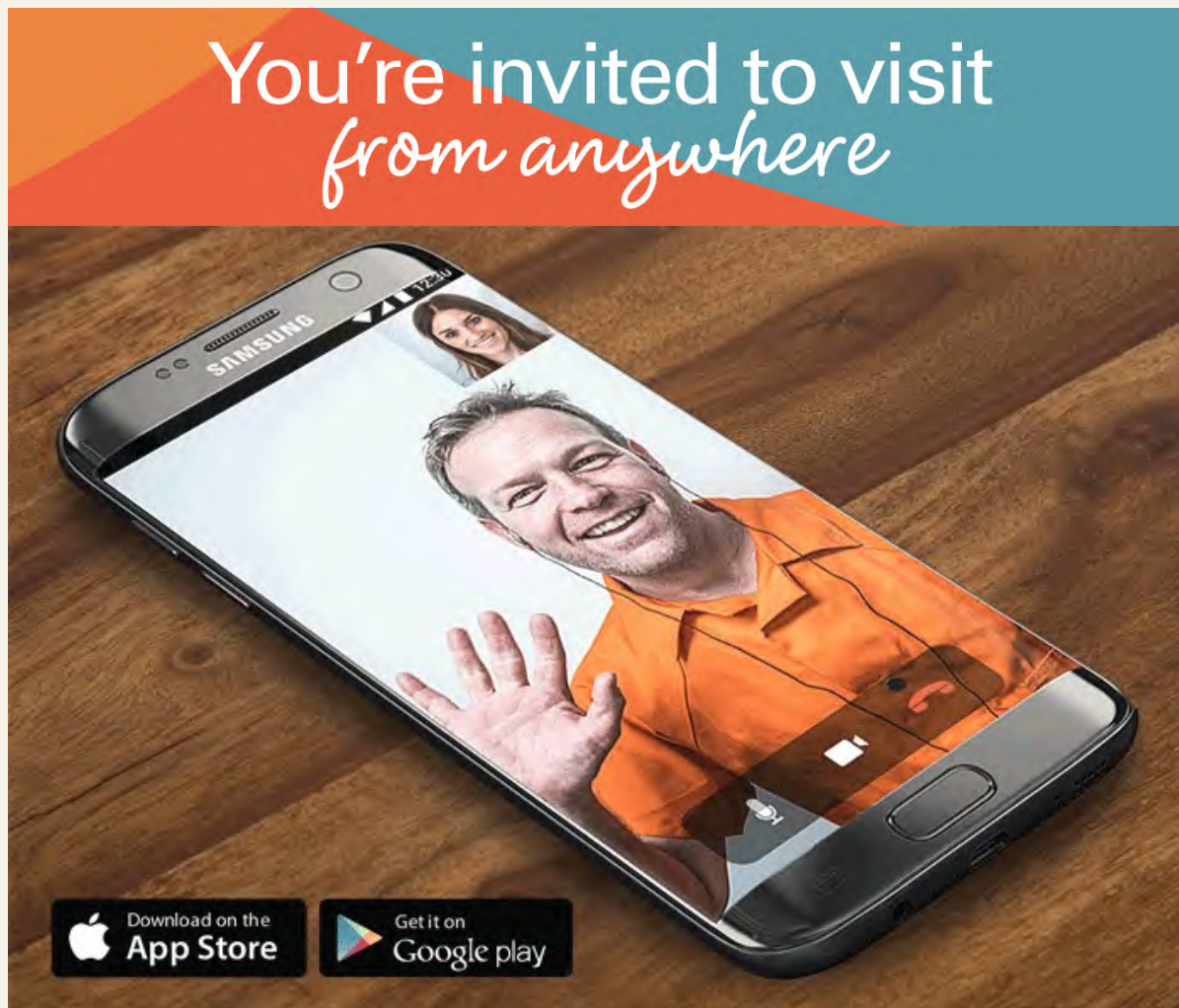
Hi Philly,

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Doo Crew

From: GettingOut by GTL <noreply@gtl.net>
Sent: Tuesday, July 9, 2024 4:07 PM
To: Philly
Subject: CHRISTOPHER FLOWERS wants you to download the GettingOut Visits app

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Hi Philly,

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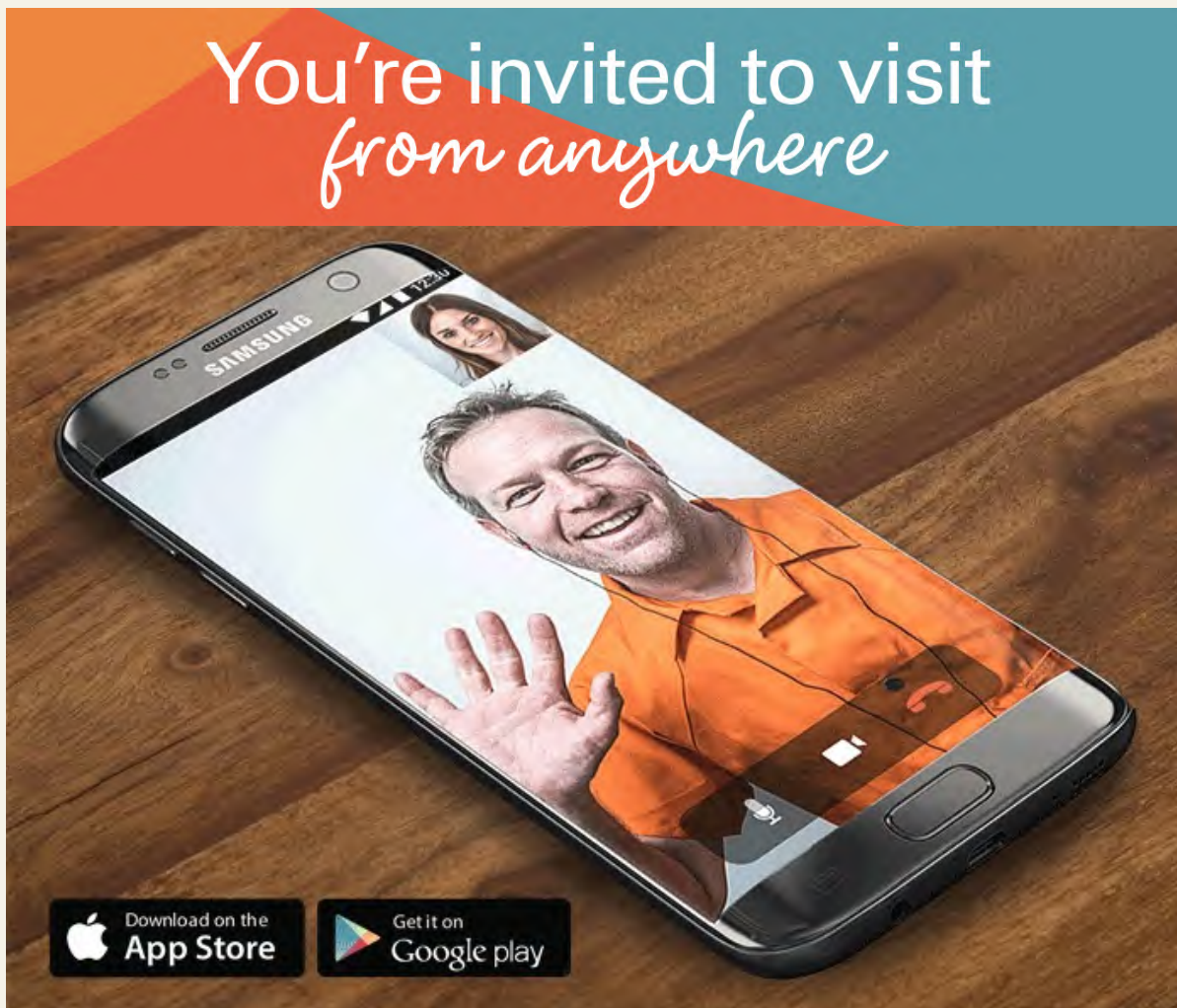
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Doo Crew

From: GettingOut Notifications <noreply@gtl.net>
Sent: Tuesday, July 9, 2024 3:43 PM
To: Philly Dee
Subject: A video visit was requested

A Video Visit Was Requested

Hello Philly Dee,

CHRISTOPHER FLOWERS, an inmate at **Laurel County Correctional Center** has **requested** the following video visit with you:

Visit Type: Remote
Location: At Home
With: CHRISTOPHER FLOWERS
Date: 07/09/24
Time: 05:30 pm
Length: 30
Total Charge: \$7.50
Your Login: thedoocrewtoo@outlook.com

Remember – you have to accept the request for the visit to occur.
The visit will only occur if you accept the request.

Respond to the Visit Request >

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Doo Crew

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Subject: A video visit was requested

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Visit Type: Remote
Location: At Home
With: CHRISTOPHER FLOWERS
Date: 07/09/24
Time: 05:30 pm
Length: 30
Total Charge: \$7.50
Your Login: thedoocrewtoo@outlook.com

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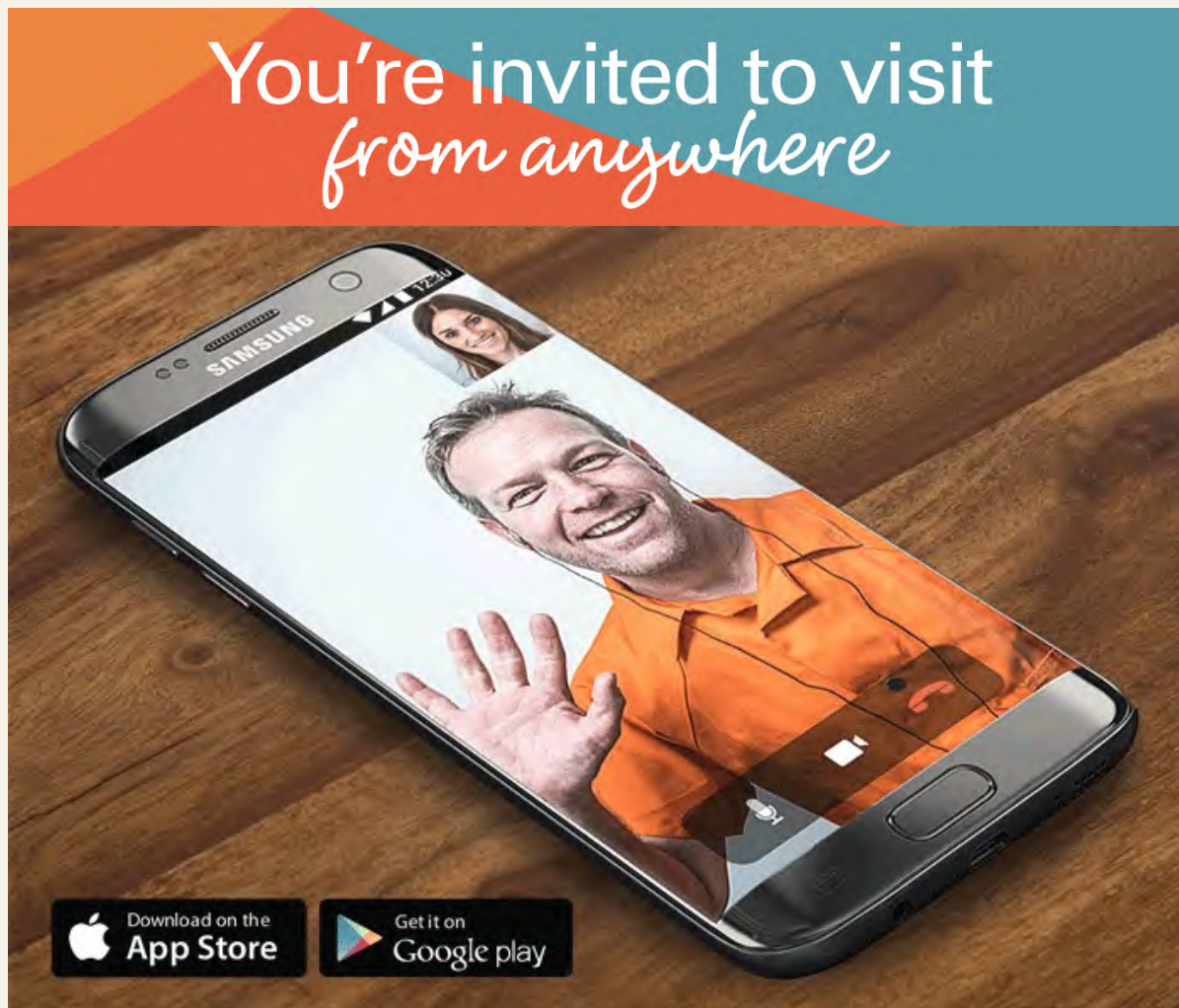
Respond to the Visit Request >

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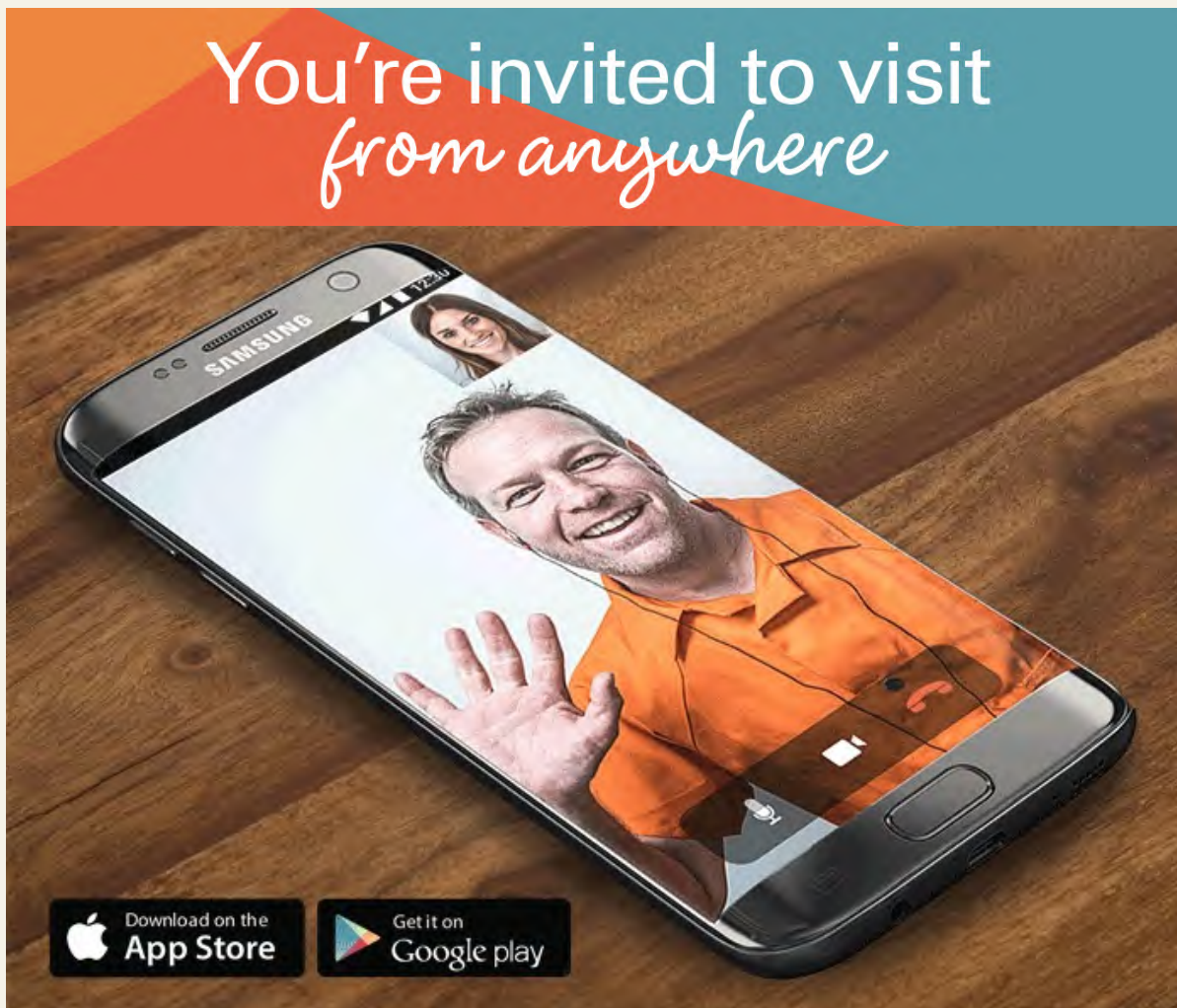
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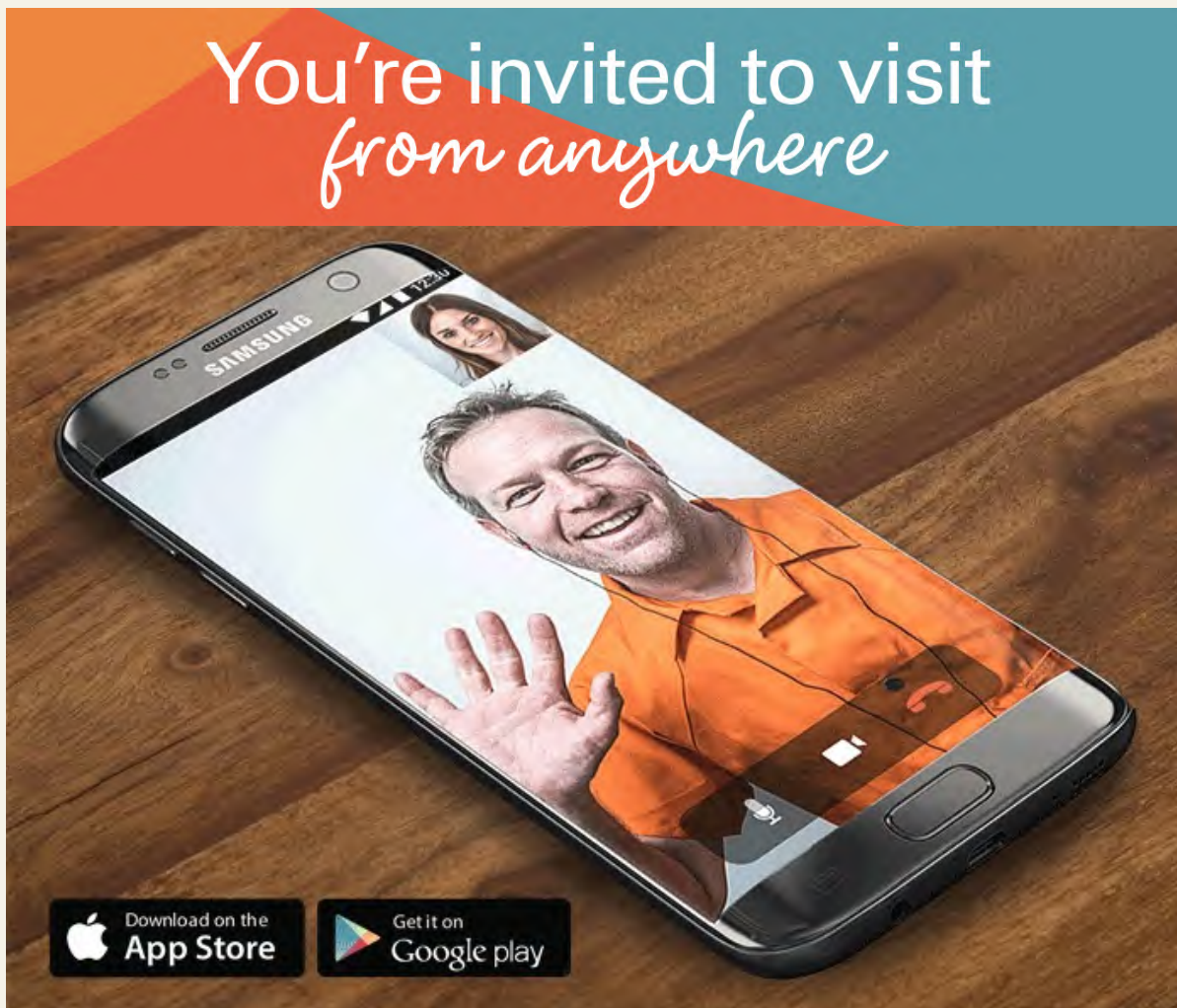
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Doo Crew

From: GettingOut by GTL <noreply@gtl.net>
Sent: Monday, July 8, 2024 9:39 PM
To: Philly
Subject: CHRISTOPHER FLOWERS wants you to download the GettingOut Visits app

Visit from anywhere!



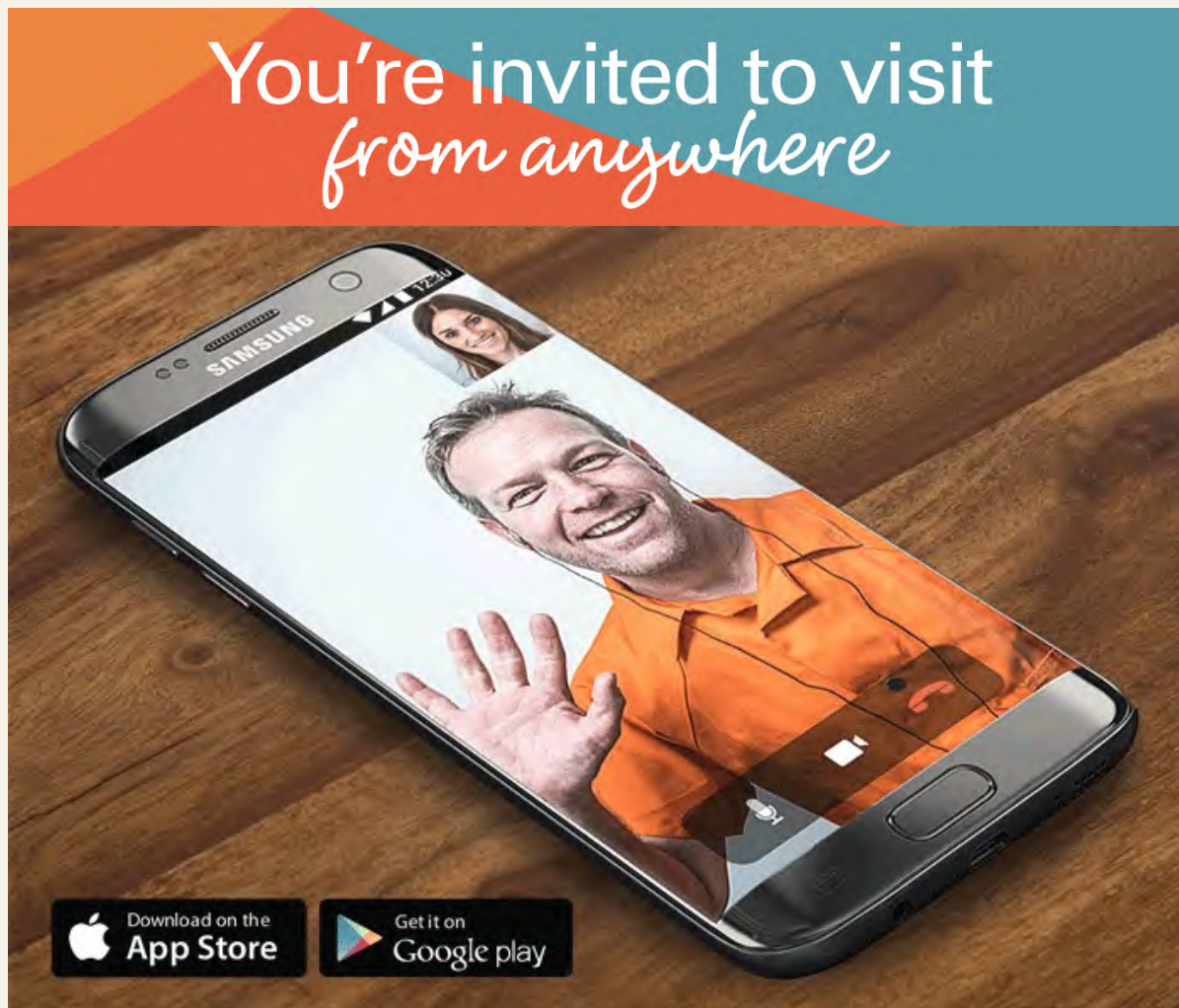
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Doo Crew

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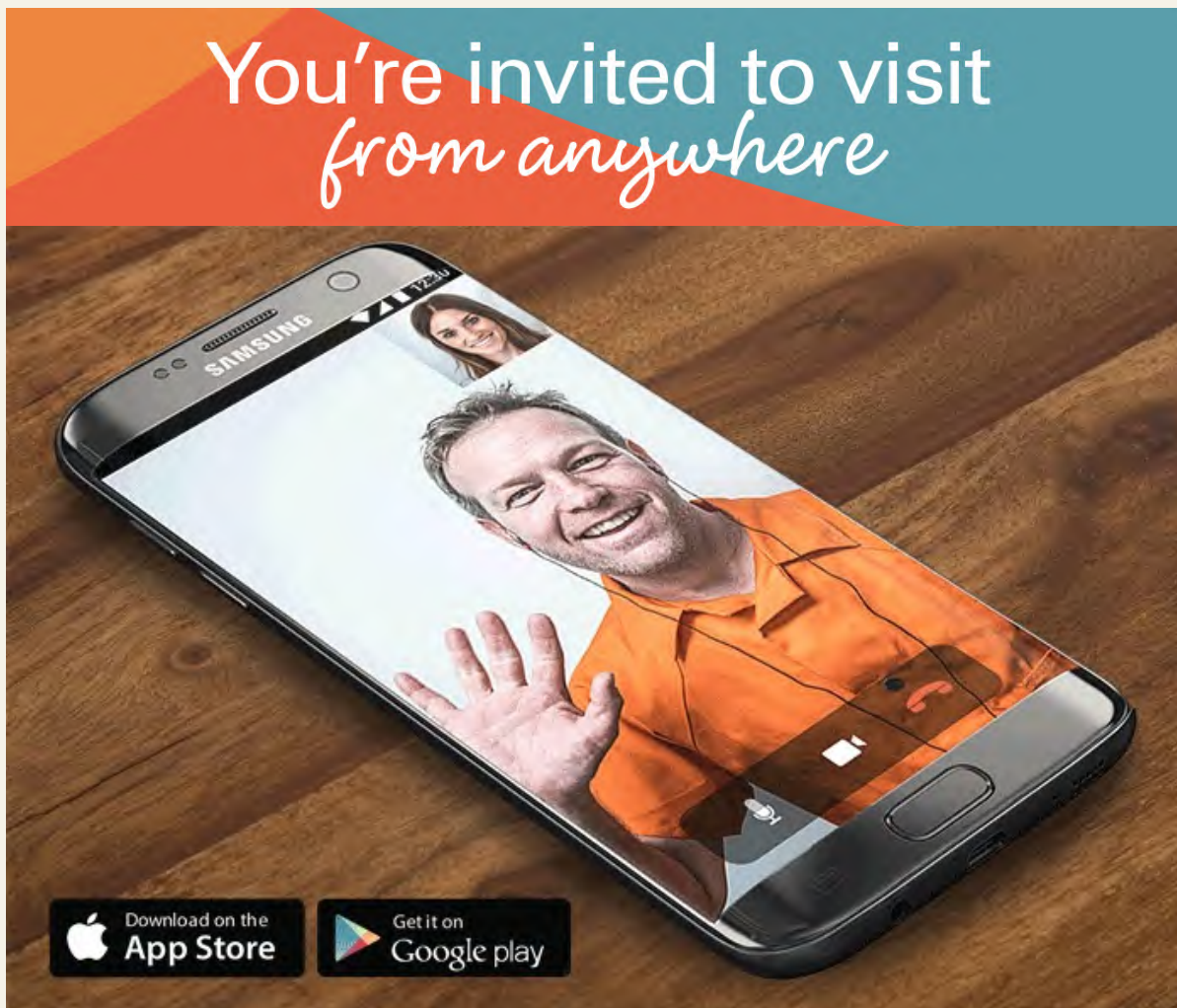
Hi Philly,

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Doo Crew

From: GettingOut by GTL <noreply@gtl.net>
Sent: Monday, July 8, 2024 2:43 PM
To: Philly
Subject: CHRISTOPHER FLOWERS wants you to download the GettingOut Visits app

Visit from anywhere!



Hi Philly,

CHRISTOPHER FLOWERS from Laurel County Correctional Center has invited you to download the new **GettingOut Visits** app. Video visits are only 0.25 per minute.

Doo Crew

From: GettingOut Notifications <noreply@gtl.net>
Sent: Monday, July 8, 2024 2:17 PM
To: Philly Dee
Subject: A video visit was requested

A Video Visit Was Requested

Hello Philly Dee,

CHRISTOPHER FLOWERS, an inmate at **Laurel County Correctional Center** has **requested** the following video visit with you:

Visit Type: Remote
Location: At Home
With: CHRISTOPHER FLOWERS
Date: 07/08/24
Time: 08:00 pm
Length: 30
Total Charge: \$7.50
Your Login: thedoocrewtoo@outlook.com

Remember – you have to accept the request for the visit to occur.
The visit will only occur if you accept the request.

Respond to the Visit Request >

Note: You can block any contact at any time by logging in and clicking the Block button on that contact's profile page.

Doo Crew

From: GettingOut Notifications <noreply@gtl.net>
Sent: Monday, July 8, 2024 1:33 PM
To: Philly Dee
Subject: Your video visit was cancelled

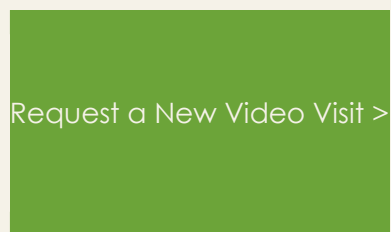
Notification
Your Video Visit Was Cancelled

Hello Philly Dee,

A request to visit with **CHRISTOPHER FLOWERS**, an inmate at **Laurel County Correctional Center**, was cancelled.

Visit Type: Remote
Location: At Home
With: CHRISTOPHER FLOWERS
Date: 07/08/24
Time: 02:00 pm
Length: 30
Cancelled by: CHRISTOPHER FLOWERS

If you'd like to request another visit with this inmate, click the button below:



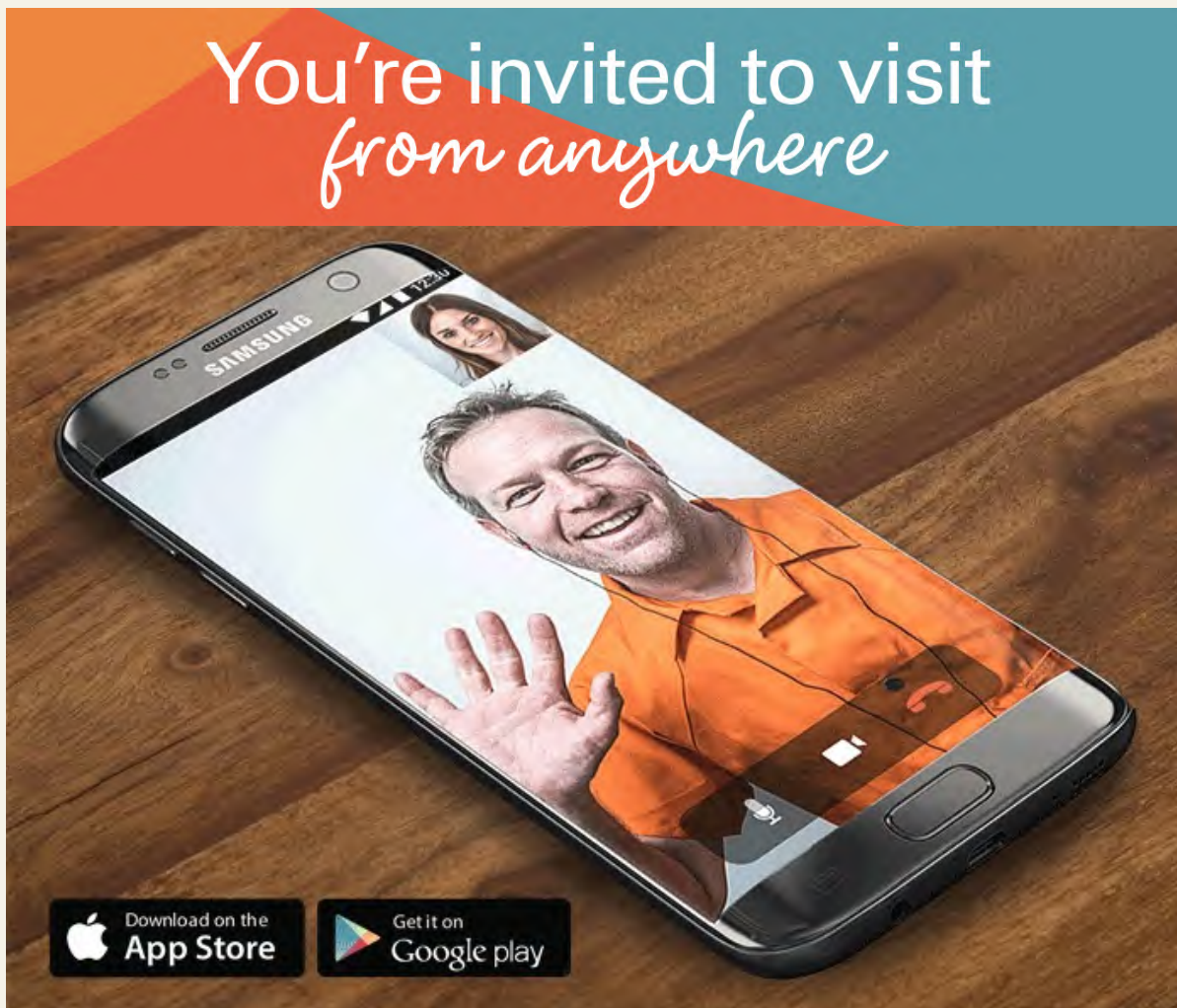
Remember – you can always [send them a message!](#)

Note: You can block any contact at any time by logging in and clicking the Back button on that contact's profile page.

Doo Crew

From: GettingOut by GTL <noreply@gtl.net>
Sent: Monday, July 8, 2024 1:16 PM
To: Philly
Subject: CHRISTOPHER FLOWERS wants you to download the GettingOut Visits app

Visit from anywhere!



Hi Philly,

CHRISTOPHER FLOWERS from Laurel County Correctional Center has invited you to download the new **GettingOut Visits** app. Video visits are only 0.25 per minute.

Doo Crew

From: GettingOut Notifications <noreply@gtl.net>
Sent: Monday, July 8, 2024 1:00 PM
To: Philly Dee
Subject: A video visit was requested

A Video Visit Was Requested

Hello Philly Dee,

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Visit Type: Remote
Location: At Home
With: CHRISTOPHER FLOWERS
Date: 07/08/24
Time: 02:00 pm
Length: 30
Total Charge: \$7.50
Your Login: thedoocrewtoo@outlook.com

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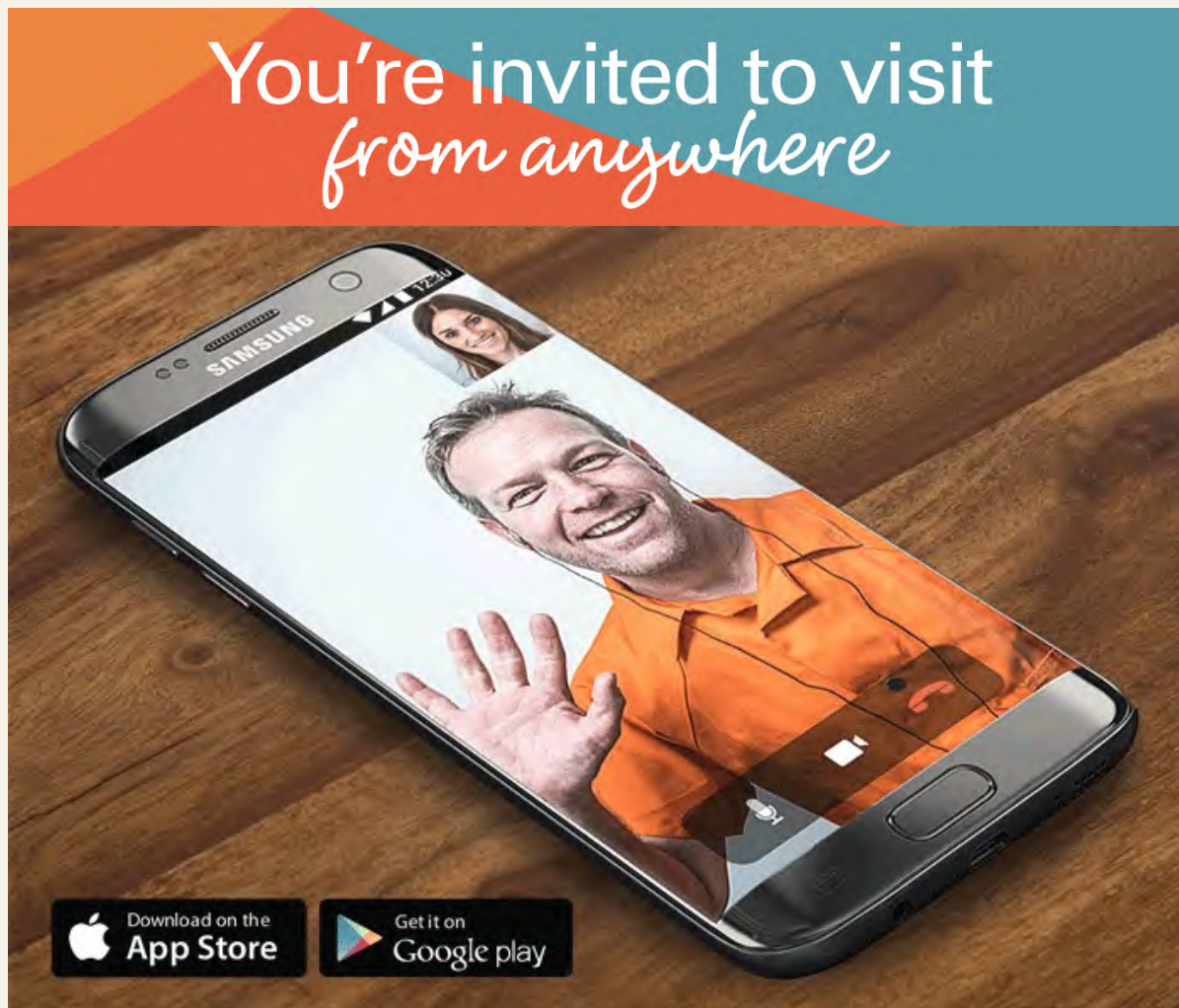
[Respond to the Visit Request >](#)

Note: You can block any contact at any time by logging in and clicking the Block button on that contact's profile page.

Doo Crew

From: GettingOut by GTL <noreply@gtl.net>
Sent: Monday, July 8, 2024 12:56 PM
To: Philly
Subject: CHRISTOPHER FLOWERS wants you to download the GettingOut Visits app

Visit from anywhere!



Hi Philly,

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Doo Crew

From: GettingOut Notifications <noreply@gtl.net>
Sent: Monday, July 8, 2024 12:50 PM
To: Philly Dee
Subject: A video visit was requested

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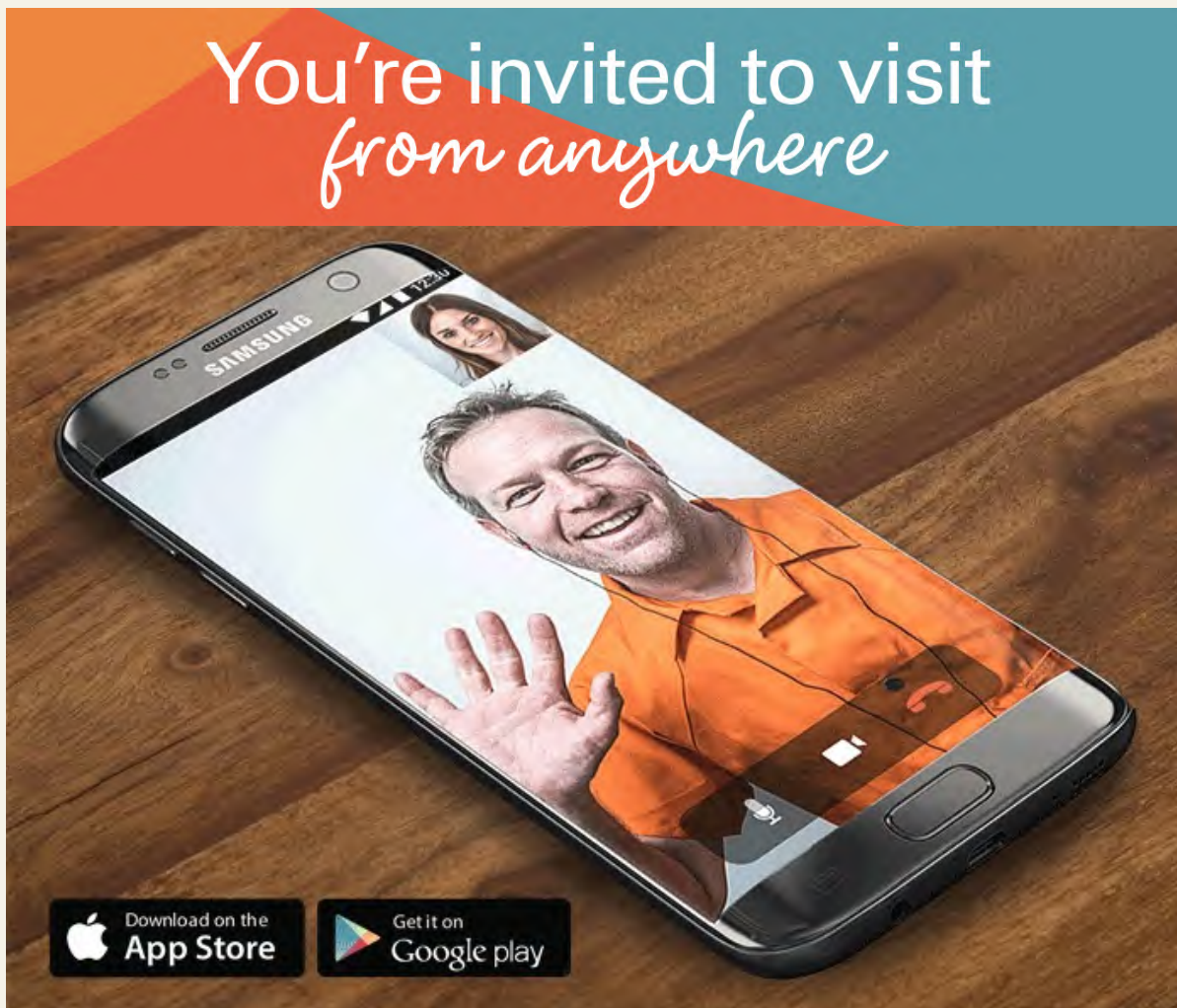
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To: Philly
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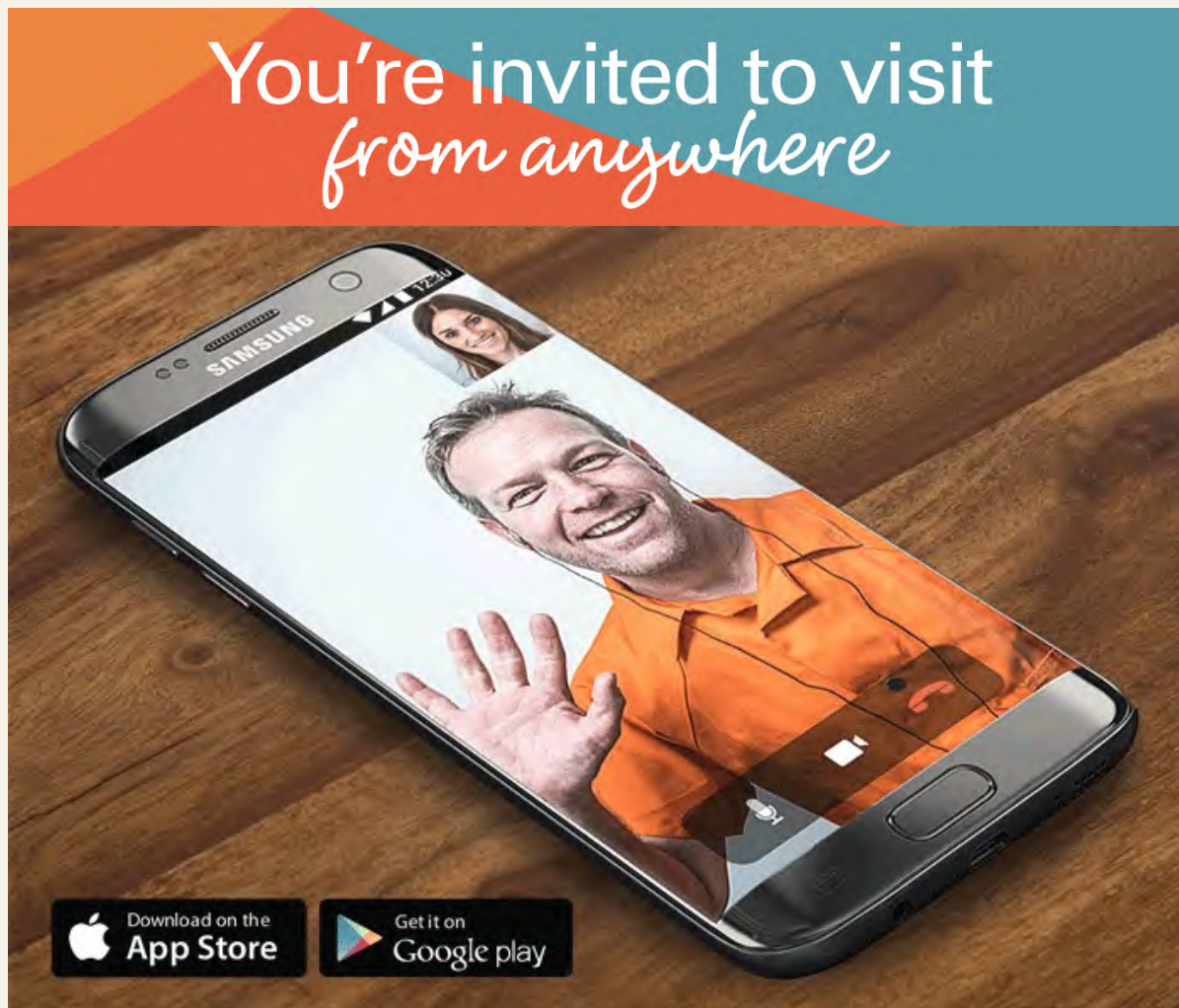
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Sent: Saturday, July 6, 2024 7:21 PM
To: Philly
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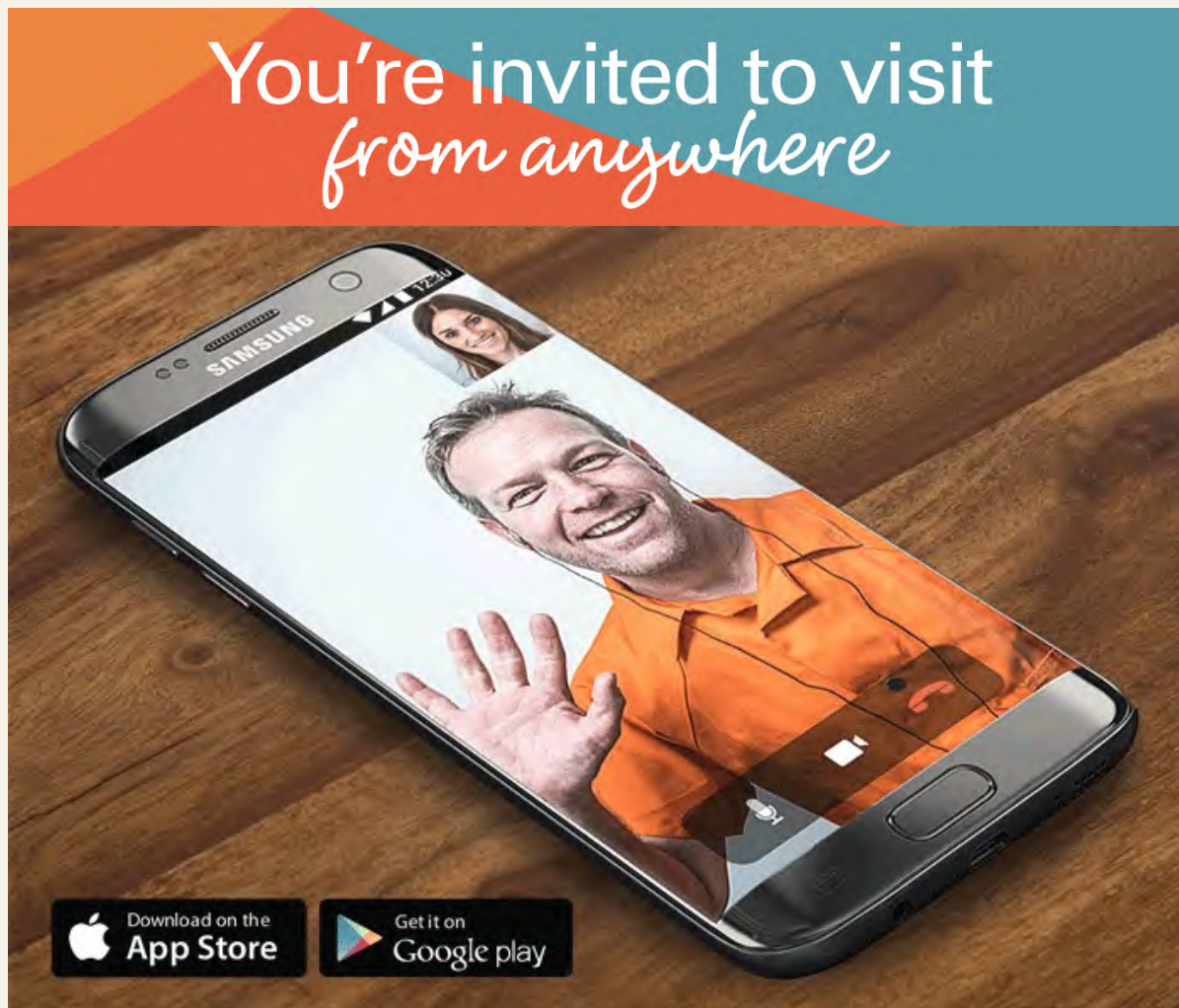
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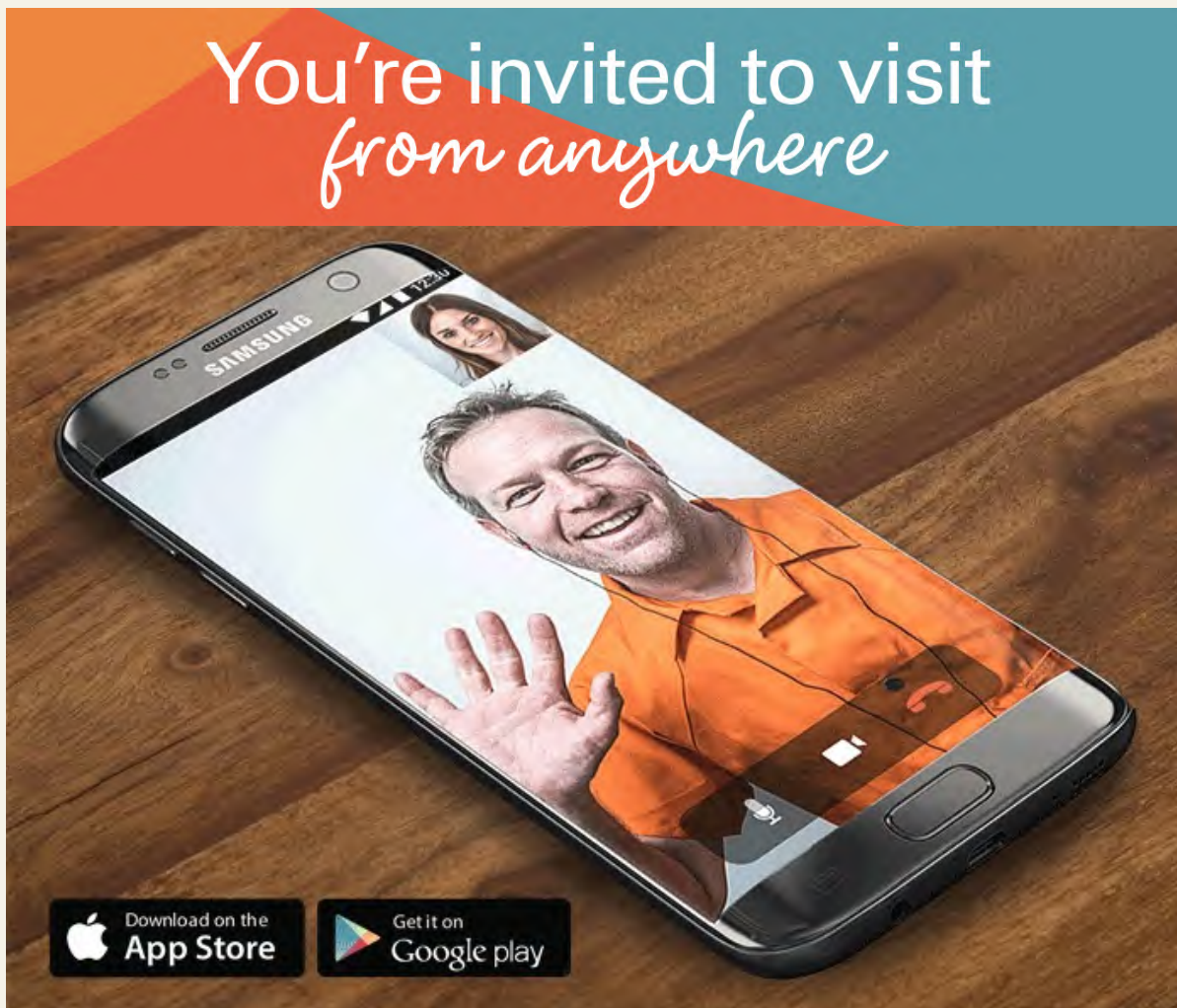
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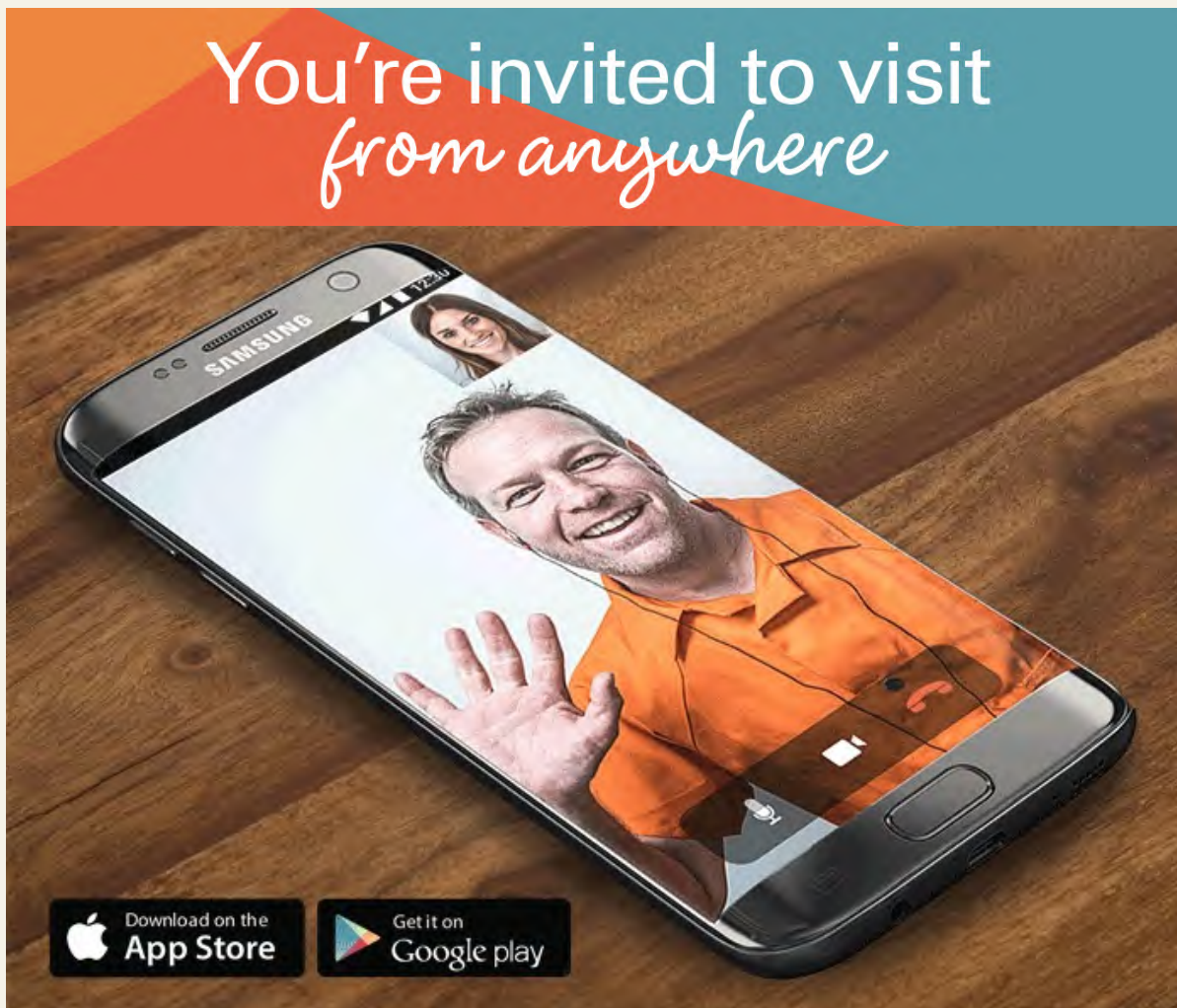
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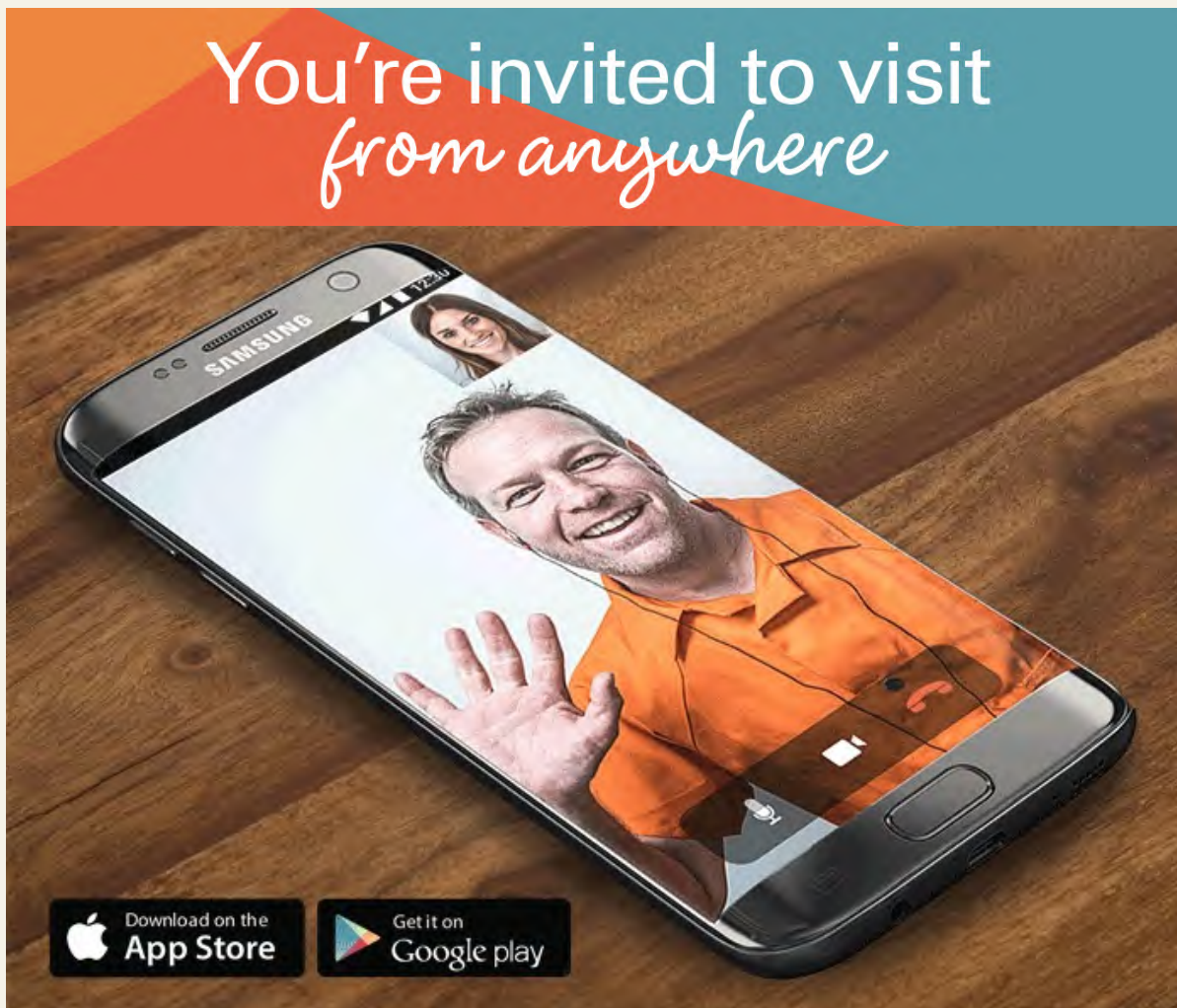
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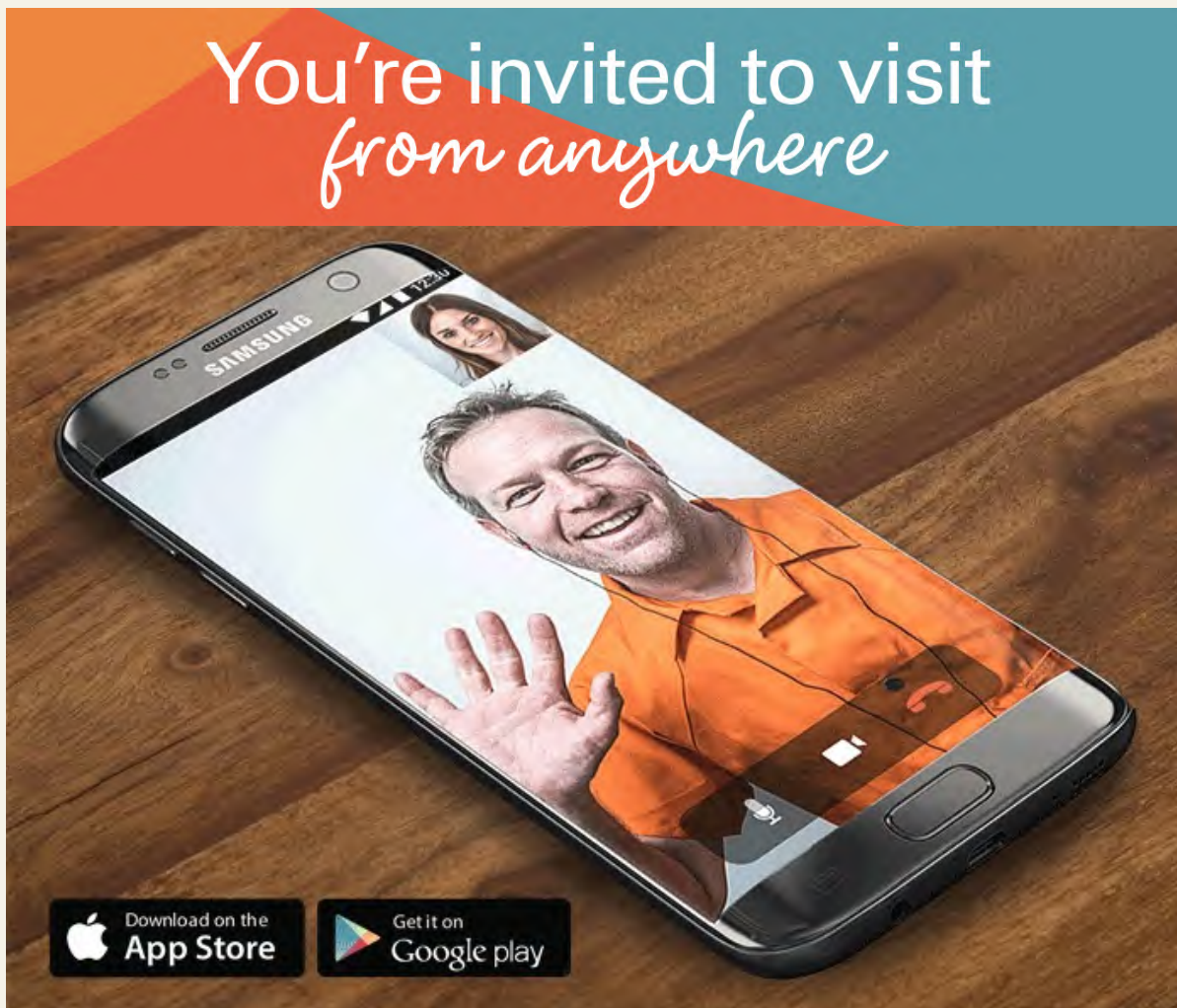
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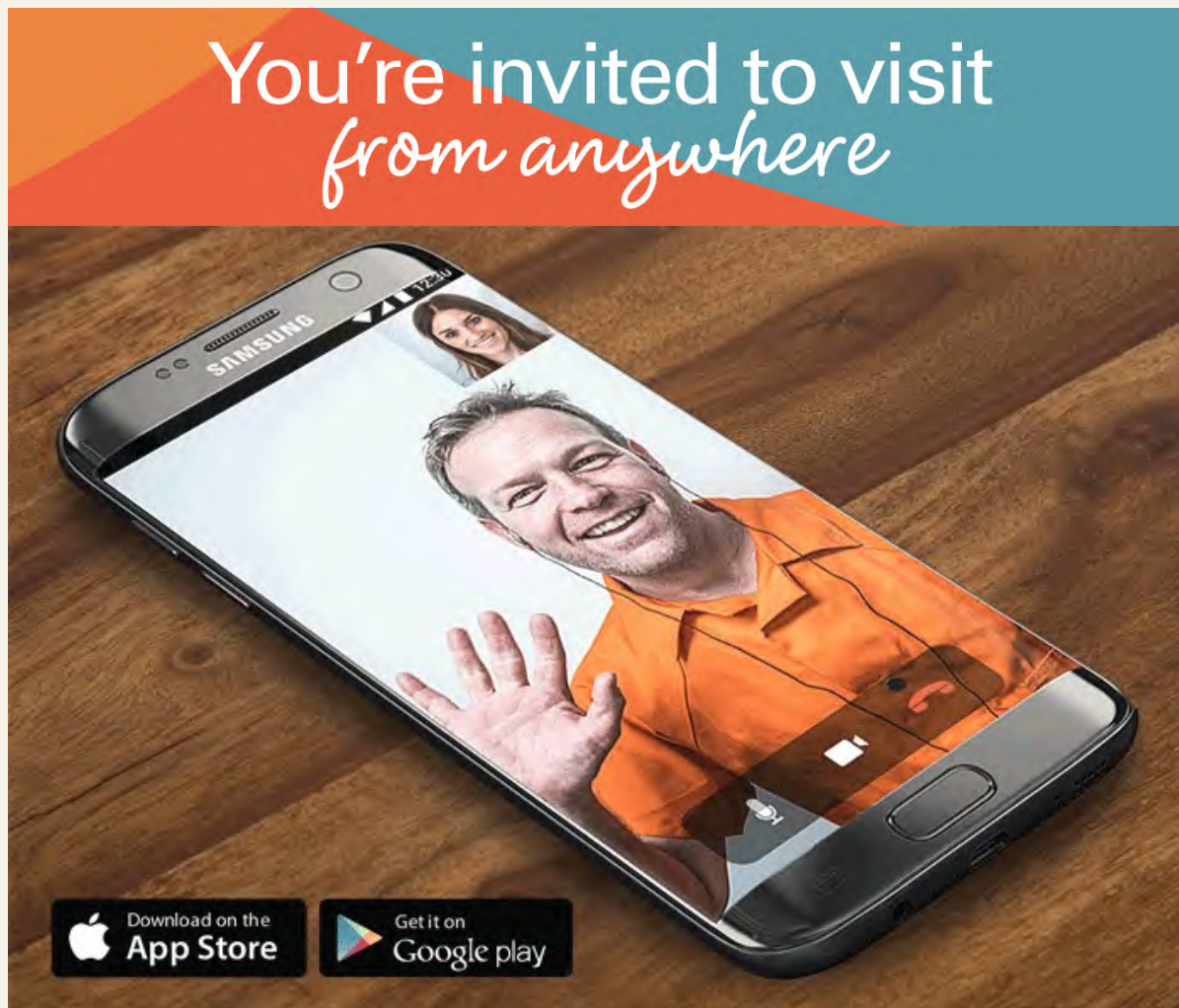
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**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TENNESSEE WESTERN DIVISION**

Plaintiff,

Georgia

MID-AMERICA APARTMENT
COMMUNITIES, INC
(MAAI & MAA-PI).,
MID-AMERICA APARTMENT
COMMUNITIES, LLC.,
MID-AMERICA APARTMENTS L.P
(MAA)

3630 South Tower Residential, LLC
98 San Jac Holdings, LLC
PAH Lender, LLC
Park Land Development, LLC
PBP Apartments, LLC
PF Apartments, LLC
PL Conservation, LLC

Alabama

CPSI, LLC
CPSI-UCO Spanish Oaks, LLC
CPSI-UCO, LLC
Highway 31 Alabaster Two, LLC
Highway 31 Alabaster, LLC

Post 1499 Massachusetts, LLC
Post Alexander II, LLC
Post Asset Management, Inc.
Post Carlyle I, LLC
Post Centennial Park, LLC
Post Corners, LLC
Post Galleria, LLC

Delaware

10th Apartments, LLC
1499 Massachusetts Avenue, Inc.
1499 Massachusetts Holding, LLC
CC Daybreak, LLC
CC Val Vista, LLC
CC West Midtown, LLC
Colonial Commercial Contracting, LLC
Colonial Construction Services, LLC
Heathrow 4, LLC
MAA Alloy, LLC
MAA Arkansas REIT, LLC
MAA Holdings, LLC
MAA WWARRS, LLC
Post Carlyle II, LLC
Sand Lake 2019, LLC
Stone Ranch at Westover Hills, LLC

Post Hyde Park, LLC
Post Midtown Atlanta, LLC
Post Midtown Square GP, LLC
Post Midtown Square, L.P.
Post Park, LLC
Post Park Development, LLC
Post Parkside at Wade II GP, LLC
Post Parkside at Wade II, L.P.
Post Services, LLC
Post South End GP, LLC
Post South End, L.P.
Post Wade Tract M-2, L.P.
Rise Condominium Development, LLC

Tennessee

Brighter View Insurance Company, LLC
Mid-America Apartments, L.P.

Florida

MAA Westshore Exchange LLC

Texas

Akard-McKinney Investment Company, LLC
MAA of Copper Ridge, Inc.

v.

DENNIS MICHAEL PHILIPSON,
Defendant.

No. 2:23-cv-2186-SHL-cc

Amended Notice of Appeal to the United States Court of Appeals for the Sixth Circuit

To the Clerk of the Court and all parties concerned:

Notice is hereby given that Dennis Michael Philipson, the Defendant in the above-captioned case, intends to appeal to the United States Court of Appeals for the Sixth Circuit from the final judgment entered in this action by the United States District Court for the Western District of Tennessee on May 6, 2024, and all interlocutory orders leading to the judgment. This notice is to inform the Court of the Defendant's intention to challenge the decision based on claims of judicial error, procedural irregularities, and violations of constitutional rights that critically affected the fairness and integrity of the trial proceedings.

The grounds for the forthcoming appeal include, but are not limited to:

1. **Judicial Misconduct and Bias:** The trial was marred by evident judicial misconduct and bias, where the presiding judge exhibited clear partiality towards the Plaintiff, disregarding standard judicial procedures and the fundamental principles of fairness. The involvement of the judicial law clerk, who previously worked with Plaintiff's law firm, raised unresolved conflicts of interest.
2. **Procedural Irregularities and Abuse of Process:** The court engaged in procedural irregularities, including the mishandling of evidence and misuse of subpoenas, which undermined the integrity of the judicial process. Key decisions were made without sufficient evidence, and the sanctions imposed were disproportionately severe and not supported by the facts of the case.
3. **Violation of Constitutional Rights:** The Defendant's constitutional rights, including the right to a fair trial and due process, were compromised. The court's failure to allow adequate time for preparation and response to the Plaintiff's motions denied the Defendant the opportunity to effectively participate in his defense.
4. **Erroneous Legal Rulings:** The court made several erroneous legal rulings, particularly concerning the application of the law regarding sanctions, permanent injunctions, and the interpretation of actions as constituting trademark infringement and cyber harassment.

The Defendant will proceed with filing the formal Notice of Appeal in accordance with the rules and timeline stipulated by the Federal Rules of Appellate Procedure.

Dated this 12th day of July, 2024.

Respectfully submitted,
/s/ Dennis Michael Philipson



Dennis Michael Philipson

Defendant, Pro Se

PO Box 30142

Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July 2024, a true and correct copy of the foregoing Notice of Intent to Appeal was served via PACER and United States Postal Service upon the following:

Counsel for Plaintiff:

Bass, Berry & Sims PLC

/s/ Paige Waldrop Mills

Paige Waldrop Mills, BPR. No. 016218

BASS, BERRY & SIMS PLC

Suite 2800; 1

50 3rd Ave.

South Nashville, Tennessee 37201

Tel: 615-742-6200

*/s/ John Golwen*_____

John Golwen, BPR. No. 014324

Jordan Thomas, BPR. No. 039531

BASS, BERRY & SIMS PLC

100 Peabody Place,

Suite 1300 Memphis,

Tennessee 38103

Tel: (901) 543-5903

Fax: (615) 742-6293

Counsel for Mid-America Apartment Communities, LLC



/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

Table of Contents

Emails to Board of Professional Responsibility	2
Letters Mailed to the TN Judicial Board	30
Letters Mailed with Additional Info to Circuit Executive	37

Doo Crew

From: Sandy Garrett <sgarrett@tbpr.org>
Sent: Friday, April 19, 2024 2:23 PM
To: mikeydphilips@gmail.com
Subject: Answers and Confirmation Regarding Complaint Closures 2024-10042-COMP & 2024-10043-COMP

Dear Mr. Philipson: In response to your email received today, your first complaint against Paige Mills was administratively dismissed on August 31, 2023 since it concerned your pending civil litigation in *Mid-America Apartment Communities Inc. V. Dennis Philipson*. You subsequently submitted additional information and the Board of Professional Responsibility (the Board) emailed you on September 18, 2023 advising that your complaint against Paige Mills would remain dismissed.

On April 18, 2024, the Board notified you by email that your complaint against Michael Kapellas was closed due to no supporting documentation. The Board's on-line complaint form has a required field that all Complainants acknowledge their "understanding that [their] complaint cannot be processed until documents reflecting the attorney's representation and/or documents supporting [their] complaint are received by the Board within 30 days of submission of this complaint." Although no documentation was submitted by you in support of your complaint against Michael Kapellas, Board staff did review and consider documentation previously submitted in support of your complaints against Paige Mills. If you have additional documentation not previously submitted in support of your complaint against Michael Kapellas, the Board will review and consider that documentation.

Sandy Garrett
 Chief Disciplinary Counsel
 Board of Professional Responsibility
 of the Supreme Court of Tennessee
 10 Cadillac Drive, Suite 220
 Brentwood, TN 37027
 Phone: 1-615-361-7500, ext. 211 or 1-800-486-5714
 Fax: 1-615-367-2480
 Email: sgarrett@tbpr.org

From: Mikey D <mikeydphilips@gmail.com>
Sent: Friday, April 19, 2024 9:47 AM
To: Complaints - Board of Professional Responsibility <complaints@tbpr.org>
Cc: Steven Christopher <schristopher@tbpr.org>; Sandy Garrett <sgarrett@tbpr.org>; Dana Dunn <ddunn@tbpr.org>; Melissa Boyd <Mboyd@tbpr.org>; Mike Brett <mbrett@tbpr.org>; Maureen Hughes <mhughes@tbpr.org>; Eileen Burkhalter Smith <esmith@tbpr.org>; Tiffany Tant-Shafer <ttantshafer@tbpr.org>; Russ Willis <rwillis@tbpr.org>
Subject: Answers and Confirmation Regarding Complaint Closures 2024-10042-COMP & 2024-10043-COMP

Dear Board of Professional Responsibility,

I am somewhat perplexed by the correspondence I received yesterday from the Board. It was my understanding that the Board did not directly handle cases and that my course of action would be to address the judge directly, despite the judge's law clerk displaying unethical behavior and authoring orders on the judge's behalf, the last, threatening to issue a warrant for my arrest on April 15, 2024.

I am writing to you with a need for clarity and resolution regarding the unexpected closure of my complaints, numbered 2024-10042-COMP and 2024-10043-COMP, against Paige Waldrop Mills and Michael Paul Kapellas, respectively. The notification of closure due to alleged insufficient documentary submission within a specified 30-day window not only surprised me but also brought to light a serious communication gap in our interactions. Given the gravity of the allegations and the consequential impact on justice, this matter demands immediate attention.

I find it imperative to highlight the seriousness of the judicial misconduct involved in my complaints. There were substantial unethical practices by several courthouse members, including Michael Kappalas, a Judicial Law Clerk formerly associated with Bass, Berry & Sims PLC. His role in authoring and signing Judge Lipman's orders, coupled with a discernible bias against me, raises severe ethical concerns. Additionally, there have been multiple violations of both the attorney code of conduct and the federal and local rules of civil litigation. I am compelled to express my belief that multiple court employees were complicit in the unethical and biased treatment directed against me. This systemic issue exacerbates my concerns and underscores the necessity for a comprehensive investigation. The depth and breadth of these infractions cannot be understated.

In light of this, I urgently request the following:

1. **Immediate Clarification and Rectification:** When and how was I informed about the requirement to submit additional documentation within a 30-day period? This crucial piece of information seemingly never reached me, and I question the fairness of closing my complaints based on this premise.
2. **Demand for Formal Proceedings:** Given the significant documentation I possess that evidences serious ethical violations, I insist on a thorough investigation into my complaints against Paige Waldrop Mills and Michael Paul Kapellas. The board's comprehensive procedure for handling complaints, from CAP's informal mediation to formal disciplinary proceedings, must be leveraged to ensure justice and accountability.
3. **Formal Confirmation of Complaint Closure:** It is imperative that I receive formal confirmation that my complaints have been fully investigated and subsequently closed. This is not merely a procedural request but a necessary step for transparency and my understanding of the Board's decision-making process.

The ethical integrity of our legal system is at stake, and the allegations I bring forth are of a nature that cannot and should not be dismissed without rigorous scrutiny. I seek not guidance but definitive answers and actions that reflect the Board's commitment to upholding the highest standards of legal professionalism and ethical conduct.

Your prompt and detailed response to these pressing concerns is not only expected but essential.

Sincerely,

Dennis Philipson

Please be advised that information relating to the investigation of complaints is confidential and privileged as provided in Tennessee Supreme Court Rule 9, Section 32.

Doo Crew

From: Complaints - Board of Professional Responsibility <complaints@tbpr.org>
Sent: Monday, September 18, 2023 1:22 PM
To: D
Subject: RE: Amended - Motion to Compel - CASE #: 2:23-cv-02186-SHL-cgc

Mr. Philipson:

This complaint was previously considered and this matter will remain closed. There is no appeal.

Board of Professional Responsibility
of the Supreme Court of Tennessee
10 Cadillac Dr. Ste. 220
Brentwood, TN 37027
615-367-2480 (fax)
www.tbpr.org

From: D <phillydee100@gmail.com>
Sent: Monday, September 18, 2023 8:55 AM
To: Complaints - Board of Professional Responsibility <complaints@tbpr.org>
Subject: Fwd: Amended - Motion to Compel - CASE #: 2:23-cv-02186-SHL-cgc

Dear Tennessee Board of Professional Responsibility,

I hope this message finds you well. I am forwarding some supplementary documents pertaining to Paige Waldrop Mills for your records, should you have an associated file on this matter. Typically, I do not retain such files but ensure they are directed to the relevant authorities.

I will keep you informed as soon as I receive the court's findings.

Warm regards,

Dennis Philipson

----- Forwarded message -----

From: D <phillydee100@gmail.com>
Date: Sun, Sep 17, 2023, 1:52 PM
Subject: Amended - Motion to Compel - CASE #: 2:23-cv-02186-SHL-cgc
To: IntakeTNWD@tnwd.uscourts.gov <IntakeTNWD@tnwd.uscourts.gov>
Cc: D <phillydee100@gmail.com>

Greetings,

I submitted a Motion to Compel for CASE #: 2:23-cv-02186-SHL-cgc on Friday at 6PM. Upon further reflection, I'd like to either withdraw it or amend it to incorporate additional details. I trust that the format aligns with the required standards. While I don't seek legal advice through this request, I would appreciate being informed if there's any procedural oversight on my part. I've taken care to consult the local rules beforehand.

Thank you for your understanding, and I wish you a productive week ahead.

Warm regards,

Dennis Philipson

Please be advised that information relating to the investigation of complaints is confidential and privileged as provided in Tennessee Supreme Court Rule 9, Section 32.

Doo Crew

From: Board of Professional Responsibility <no-reply@tbpr.org>
Sent: Tuesday, August 29, 2023 5:11 PM
To: phillydee100@gmail.com
Subject: Automatic acknowledgement for your online complaint submission

Your complaint has been successfully submitted. Please be advised the Board of Professional Responsibility cannot process your complaint until documents reflecting the attorney's representation and/or documents supporting your complaint are received by the Board within 30 days of submission of your complaint. Mail, fax, or scan and email copies of these documents using the following contact information:

Board of Professional Responsibility of the Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
Fax: 615-367-2480
Email: complaints@tbpr.org

Do NOT mail original documents to the Board. Include your name and the attorney's name on all documents.

Doo Crew

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Board of Professional Responsibility
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Warm regards,

Dennis Philipson

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To: IntakeTNWD@tnwd.uscourts.gov <IntakeTNWD@tnwd.uscourts.gov>
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Thank you for your understanding, and I wish you a productive week ahead.

Warm regards,

Dennis Philipson

Please be advised that information relating to the investigation of complaints is confidential and privileged as provided in Tennessee Supreme Court Rule 9, Section 32.

Doo Crew

From: Complaints - Board of Professional Responsibility <complaints@tbpr.org>
Sent: Friday, September 1, 2023 9:11 AM
To: phillydee100
Subject: RE: Proposed Case Management Order for Docket No. 2:23-cv-02186, Mid-America Apartment Communities, Inc. v. Dennis Philipson

We received your email and your complaint. A letter was sent to you on August 30, 2023 concerning your complaint. You should be receiving it shortly.

Board of Professional Responsibility
of the Supreme Court of Tennessee
10 Cadillac Dr. Ste. 220
Brentwood, TN 37027
615-367-2480 (fax)
www.tbpr.org

From: phillydee100 <phillydee100@gmail.com>
Sent: Thursday, August 31, 2023 6:21 PM
To: Complaints - Board of Professional Responsibility <complaints@tbpr.org>
Subject: Fwd: Proposed Case Management Order for Docket No. 2:23-cv-02186, Mid-America Apartment Communities, Inc. v. Dennis Philipson

Please confirm receipt of my complaint(s).

Thank you for your assistance.

Dennis Philipson

----- Forwarded message -----

From: phillydee100 <phillydee100@gmail.com>
Date: Thu, Aug 31, 2023, 6:55 PM
Subject: Re: Proposed Case Management Order for Docket No. 2:23-cv-02186, Mid-America Apartment Communities, Inc. v. Dennis Philipson
To: Mills, Paige <PMills@bassberry.com>
Cc: ECF_Judge_Lipman@tnwd.uscourts.gov <ECF_Judge_Lipman@tnwd.uscourts.gov>, McClanahan, Teresa <TMcClanahan@bassberry.com>, <Melanie_Mullen@tnwd.uscourts.gov>, <IntakeTNWD@tnwd.uscourts.gov>, <jgolwen@bassberry.com>, <jordan.thomas@bassberry.com>, <Morgan_Gloss@tnwd.uscourts.gov>

Good Evening Judge Lipman,

I am in receipt of the Proposed Case Management Order as submitted by Attorney Pam Mills and kindly request your judicial decision pertaining to the proposal.

As for the subject of electronic communications with your chambers, I was led to understand based on the court's governing rules as well as an email communication dated April 2023, that such interactions may be restricted or

impermissible. I kindly request clarification regarding the permissibility of this method of communication, as delineated by the applicable rule(s).

I am anticipating our prearranged meeting set for the 11th day of September, 2023. Concurrently, I await a forthcoming team meeting invitation from Ms. Melanie, as was previously communicated.

Should further clarification or additional inquiries be necessary prior to the aforementioned events, I kindly invite you to contact me at your earliest convenience.

Respectfully Submitted,

Dennis Philipson

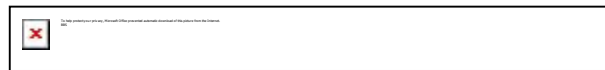
On Thu, Aug 31, 2023 at 6:32 PM Mills, Paige <PMills@bassberry.com> wrote:

Dear Judge Lipman,

Attached please find Plaintiff's Proposed Case Management Order. While undersigned counsel reached out twice to Mr. Philipson to confer on the matters in the order, he did not respond.

Best Regards,

Paige Mills



Paige Mills

Member

Bass, Berry & Sims PLC

150 Third Avenue South, Suite 2800 • Nashville, TN 37201

615-742-7770 phone

pmills@bassberry.com • www.bassberry.com

This email may contain privileged and confidential information and is meant only for the use of the specific intended addressee(s). Your receipt is not intended to waive any applicable privilege. If you have received this email in error, please delete it and immediately notify the sender by separate email.

Doo Crew

From: Board of Professional Responsibility <no-reply@tbpr.org>
Sent: Tuesday, August 29, 2023 5:11 PM
To: phillydee100@gmail.com
Subject: Automatic acknowledgement for your online complaint submission

Your complaint has been successfully submitted. Please be advised the Board of Professional Responsibility cannot process your complaint until documents reflecting the attorney's representation and/or documents supporting your complaint are received by the Board within 30 days of submission of your complaint. Mail, fax, or scan and email copies of these documents using the following contact information:

Board of Professional Responsibility of the Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
Fax: 615-367-2480
Email: complaints@tbpr.org

Do NOT mail original documents to the Board. Include your name and the attorney's name on all documents.

Doo Crew

From: Consumer Assistance - Board of Professional.. <cap@tbpr.org>
Sent: Monday, September 11, 2023 10:41 AM
To: phillydee100@gmail.com
Subject: 74773-5 Paige Waldrop Mills: Ethical Concerns, Procedural Irregularities, and Potential Retaliatory Actions in Light of Federal Civil Rules
Attachments: Email 1.pdf

Mr. Philipson,

This is a response to your email to Ms. Garrett. In an open case, first the judge should handle the types of concerns you have with the opposing attorney. The court has the inherent power as well as the express authority under certain rules to correct, instruct, or sanction the attorney. Appropriate procedures should be followed to bring significant problems to the court's attention. You may wish to consult an attorney about these procedures. If the judge sanctions the attorney or finds the attorney in contempt of court, then that may be reported to our office with a copy of the decision for our further ethics review. Also, be aware that our office does not regulate the ethics of judges.

Thank you for bringing this matter to our attention.

Consumer Assistance Program
Board of Professional Responsibility
of the Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood TN 37027

www.tbpr.org

From: D <phillydee100@gmail.com>
Sent: Sunday, September 10, 2023 1:39 PM
To: Sandy Garrett <sgarrett@tbpr.org>; Dana Dunn <ddunn@tbpr.org>; Steven Christopher <schristopher@tbpr.org>; Russ Willis <rwillis@tbpr.org>
Subject: Formal Inquiry - Paige Waldrop Mills: Ethical Concerns, Procedural Irregularities, and Potential Retaliatory Actions in Light of Federal Civil Rules

Dear Members of the Board of Professional Responsibility of the Supreme Court of Tennessee,

I extend my sincere apologies for directing this email to the senior leadership, particularly on a Sunday. I do not anticipate a response until the following business day and further apologize if my concerns and suspicions prove to be unfounded.

I am writing to delineate a series of concerns that directly pertain to a forthcoming Scheduling Conference, scheduled for tomorrow at 9:30 AM. Despite having recently become a parent and facing numerous ethical and procedural concerns, my motion to reschedule this conference was unfortunately dismissed.

I found the letter dated August 31st regarding my initial complaint to be ambiguous. Specifically, the statement, "The matter appears to be the subject of civil litigation. If the attorney is found to have committed fraud or misrepresentations, you may re-file this complaint," leaves me uncertain. May I kindly inquire about which authority is responsible for overseeing complaints against attorneys involved in ongoing civil litigation?

For further context, I lodged a corporate whistleblower complaint in 2021. I have repeatedly asserted that the existing complaint against me appears to be a retaliatory action, which may contravene Rule 11 of the Federal Rules of Civil Procedure. This rule prohibits legal filings for improper purposes such as harassment or delay. Additionally, there has been a lack of transparency surrounding how my IP address was obtained via a subpoena. I suspect potential infractions of Federal Rule of Civil Procedure 45, governing the issuance of subpoenas, which raises concerns about the adherence to federal law and the protection of my privacy.

I respectfully request your guidance on the following matters:

1. **Imminent Scheduling Conference:** The denial of my motion to reschedule raises questions about the court's commitment to procedural fairness.
2. **Federal Rules Concerns:** The undisclosed subpoena and its inconsistent versions may be in violation of Rule 45 of the Federal Rules of Civil Procedure.
3. **PACER Activity:** The lack of updates from Attorney Mills on PACER since approximately August 16th arouses concerns about her professional conduct and the propriety of ongoing communications.
4. **Attorney Ethics:** Continuous advisories about procedural adherence conflict with growing suspicions about Attorney Mills' ethical conduct.
5. **Court Communication:** I am disadvantaged by the court's inconsistent and inadequate notifications, impeding my ability to effectively prepare for legal proceedings.
6. **Transparency Issues:** The unreciprocated transparency from Attorney Mills raises concerns about the equitable proceedings of this case.

The complexity of this correspondence is regrettable but warranted due to the gravity of the issues involved. For a more complete picture, I have attached email correspondences between Ms. Mills and myself from Friday, September 8th.

If these concerns remain unaddressed, could you kindly direct me towards appropriate alternative avenues for redress? I have also taken the step of forwarding these matters to the Department of Justice and the Securities and Exchange Commission as part of whistleblower complaints.

Your prompt attention to these matters is highly appreciated. I eagerly await your esteemed guidance.

Sincerely,

Dennis Philipson

Please be advised that information relating to the investigation of complaints is confidential and privileged as provided in Tennessee Supreme Court Rule 9, Section 32.



D <phillydee100@gmail.com>

Formal Inquiry - Paige Waldrop Mills: Ethical Concerns, Procedural Irregularities, and Potential Retaliatory Actions in Light of Federal Civil Rules

1 message

D <phillydee100@gmail.com>

Sun, Sep 10, 2023 at 2:38 PM

To: sgarrett@tbpr.org, ddunn@tbpr.org, schristopher@tbpr.org, rwillis@tbpr.org

Bcc: "maybear1420@gmail.com" <maybear1420@gmail.com>

Dear Members of the Board of Professional Responsibility of the Supreme Court of Tennessee,

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Your prompt attention to these matters is highly appreciated. I eagerly await your esteemed guidance.

Sincerely,

Dennis Philipson



Email 1.pdf
869K



Philly Dee <phillydee100@gmail.com>

Case 2:23-cv-02186-SHL-cgc - Paige Waldrop Mills

Philly Dee <phillydee100@gmail.com>
To: complaints@tbpr.org
Cc: Philly Dee <phillydee100@gmail.com>

Tue, Oct 31, 2023 at 7:13 PM

Dear Members of the Board of Professional Responsibility,

I trust this letter finds you in good health. I extend my apologies for any inconvenience that this correspondence may cause. I am writing to draw your attention to an ongoing matter involving Paige Waldrop Mills. While I understand that this is not the first time I am raising concerns about this issue, I remain troubled by specific aspects of the situation.

Despite my previous attempts to address the matter, I am yet to receive a copy of the subpoena or any information pertaining to Ms. Mills' alleged methods.

In a recent deposition, Ms. Mills disclosed her intention to initiate another lawsuit centered on claims of stalking and harassment against me. During our discussion, she mentioned actions such as hacking and the creation of fake logins, of which I have no recollection and have not received any supporting evidence. She also raised the question of whether these actions might constitute a federal crime, which raises ethical concerns.

Today, in an email exchange, I inquired about the timing of the second lawsuit she mentioned concerning harassment and stalking. Given the gravity of these allegations, which may involve federal crimes, I expressed my eagerness to obtain any related police reports or initiate discussions with detectives promptly. I believe her response was an attempt to exert pressure on me.

I continue to have concerns that both MAA and Ms. Mills may be taking retaliatory actions against me. In the absence of substantial evidence of my wrongdoing, I believe it is imperative that appropriate action be taken. This is in alignment with the following provisions of the Model Rules of Professional Conduct:

Rule 4.4 - Respect for Rights of Third Persons: This rule prohibits the use of methods that have no substantial purpose other than to embarrass, delay, or burden a third person.

Towards the end of the deposition, Ms. Mills inquired whether I had reported her to the board, a fact I had previously confirmed in a court document. In response, I reaffirmed my affirmative response and provided limited information about the report, emphasizing its connection to the subpoena methods and my unexpected transition from being a witness to a defendant without substantial evidence. When she sought details about the board's response, I informed her that it had been designated as confidential. She expressed skepticism, arguing that it concerned her and should not be treated as confidential. I clarified that my communication with the board had resulted in an automated response from your website, leaving me with limited information. She also inquired whether I had reported any other attorneys at Bass, Berry & Sims PLC, a matter I believe I did not pursue. I cannot recall whether this portion of the conversation was on or off the record.

I have also reported these concerns to the SEC. I cannot help but feel that there may be irregularities in this situation, or perhaps I have overlooked something critical. For your reference, I have included an email I sent to Ms. Mills today.

Thank you for your attention to this matter.

Yours sincerely,
Dennis Philipson

----- Forwarded message -----

From: Philly Dee <phillydee100@gmail.com>
To: "Mills, Paige" <PMills@bassberry.com>
Cc: "Golwen, John S." <jgolwen@bassberry.com>, "Thomas, Jordan" <jordan.thomas@bassberry.com>, "McClanahan, Teresa" <TMcClanahan@bassberry.com>
Bcc: phillydee100@gmail.com
Date: Tue, 31 Oct 2023 15:58:49 -0400
Subject: RE: Rescheduling of Deposition Request
Hi Ms. Mills, Mr. Golwen and Ms. Thomas

Thank you so much for your detailed response; I appreciate the clarity and guidance you've provided.

Yes, I am aware of the eRate sheet, and your explanation has been immensely helpful. I think I will go ahead and reach out to Adam Shumann for the rough draft as well, understanding the state it might be in initially.

I appreciate you sharing the potential costs associated with the depositions, it helps in planning ahead. Memphis should work perfectly fine for the depositions, and having the option to use your firm's conference room is great.

Regarding the depositions, I would indeed like to proceed with disposing Robert Delpriore, Glenn, Leslie, and possibly a few more individuals. I am aware of the potential challenges with Mr. Delpriore's deposition, but I believe it's worth pursuing regardless.

Additionally, while I have had direct contact with Mr. Golwen during the scheduling conference, I have not interacted personally with Ms. Thomas. I am sure they are both working diligently behind the scenes. I'd like to get a clear understanding of the setup I'll be facing in Memphis. To reiterate, the budget is not a concern, as my financial aspects have been securely managed through a trust settlement back in 2014.

Concerning another matter, could you provide any updates on the timing of the second lawsuit you referenced regarding harassment and stalking? Considering the severity of the allegations and the fact that they pertain to federal crimes, I am anxious to acquire any related police reports or to initiate discussions with detectives at the earliest opportunity to ensure these matters are resolved swiftly and appropriately.

Looking forward to your guidance on the next steps and coordinating dates for the depositions.

Happy Halloween!

Best,
Dennis Philipson

On Tuesday, October 31, 2023, Mills, Paige <PMills@bassberry.com> wrote:

Mr. Philipson:

It was nice to meet you as well. I think if you reach out to Adam Shumann, the Court Reporter from Planet Depo, he will tell you how to obtain the rough draft. Because they charge for transcripts, I cannot share mine. The initial rough draft is prepared via AI and it is very rough. Adam will have to spend a lot of time cleaning it up as there are lots of typos/phonetic spellings, etc. at this point. You are not permitted to materially change the testimony except by submitting what is called an errata sheet but you can provide him with info on what he misspelled or was guessing at like your email addresses, etc. Once the Depo is finalized, you can submit an errata sheet if you think you misspoke. I'm sure Adam can provide you with an errata sheet. If you do decide to submit an errata sheet, you need to send me a copy as well.

As far as taking depositions, I'm happy to get some dates from the potential witnesses. They will need to be deposed where they live or work. I believe for all of these folks, that would be in Memphis but I need to confirm that. We can provide a conference room in our firm's Memphis office for the depositions, but you will need to make arrangements for the court reporter and videographers yourself as there will be charges for that and each side pays for the depositions that they want to take. Although I don't have exact costs, I would count on this costing from \$1,500 - \$2,500 per deposition, plus the cost of the original transcript. Again, this is just a guess on my part; it could be more (or less). I should also tell you that it may be difficult for you to depose Mr. Delpriore because as MAA's General Counsel, almost anything you could ask him would be covered by the attorney/client privilege. We would object to questions that would attempt to get at privileged material and instruct him not to answer. He could only answer questions that do not touch on privileged issues, like his conversations directly with you. I wanted you to know that in advance so that you did not waste money on a deposition that does not give you very much information. If you decide you want to move forward with the depositions once you determine the cost, let me know who you want to depose and we will be happy to provide dates.

Best,

Paige Mills

BASS BERRY + SIMS

Paige Mills

Member

Bass, Berry & Sims PLC

150 Third Avenue South, Suite 2800 • Nashville, TN 37201

615-742-7770 phone

pmills@bassberry.com • www.bassberry.com

From: Philly Dee <phillydee100@gmail.com>

Sent: Monday, October 30, 2023 2:56 PM

To: Mills, Paige <PMills@bassberry.com>

Cc: Golwen, John S. <jgolwen@bassberry.com>; Thomas, Jordan <jordan.thomas@bassberry.com>;
McClanahan, Teresa <TMcClanahan@bassberry.com>

Subject: Re: Rescheduling of Deposition Request

Dear Paige,

It was a pleasure meeting you today. Thank you for your patience during the deposition. Once the draft is ready, please notify me so I can review and order a copy. I'd like to ensure that everything came across the way I intended and that my words are not misconstrued. I'm also looking to schedule depositions for Robert Delpriori, Glenn Russell, and Leslie Wolfgang, preferably after the holidays. Kindly coordinate a suitable time and place. While I aim to respond to emails promptly, I often sign in manually. Safe travels back, and thanks again.

Regards,

Dennis Philipson

On Sunday, October 29, 2023, Philly Dee <phillydee100@gmail.com> wrote:

Ms. Mills,

You assert that this case is premised on my alleged use of MAA trademarks to establish infringing domains and create misleading LinkedIn accounts. Given this, I'm perplexed as to why you're seeking government documents I

submitted during 2020-2022, especially when the purported trademark infringement is claimed to have occurred this year. Can you clarify the damages stemming from this alleged infringement?

While we may hold different views, I am hopeful that we can approach this situation with a mutual sense of professionalism. I hereby request a two-week stay to secure appropriate legal representation. If you're already in the DC area for our intended meeting, I wish to remind you of my previous offer to cover any associated travel expenses.

My reservations about the protective agreement have not waned. Should there be evidence connecting my name or IP address to the Wix website, Google, LinkedIn, or any of the email addresses you've referenced, I urge you to present it forthwith.

In the absence of tangible evidence, the continuation of this case seems unjustified, even verging on harassment. I trust you will address these concerns expediently.

Regards,

Dennis

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Mr. Philipson,

My responses are below in red:

BASS BERRY + SIMS

Paige Mills

Member

Bass, Berry & Sims PLC

150 Third Avenue South, Suite 2800 • Nashville, TN 37201

615-742-7770 phone

pmills@bassberry.com • www.bassberry.com

From: Philly Dee <phillydee100@gmail.com>

Sent: Sunday, October 29, 2023 12:23 PM

To: Mills, Paige <PMills@bassberry.com>

Cc: Golwen, John S. <jgolwen@bassberry.com>; Thomas, Jordan <jordan.thomas@bassberry.com>;

McClanahan, Teresa <TMcClanahan@bassberry.com>; Philly Dee <phillydee100@gmail.com>

Subject: Re: Rescheduling of Deposition Request

Dear Attorneys Golwen, Thomas, and Mills,

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Consistency in our communications is paramount. While my intention has always been to proceed with transparency and in good faith, I can't help but notice instances of delayed responses from your end, notably communications sent late on Fridays. These delays add to the existing complexities and hinder smooth progress. Moreover, I've been quick in most of my responses and have always aimed to expedite this process. **We have complied with the timelines set forth in the rules. Any delay in our correspondence is caused by your insistence on blocking our email addresses.**

You have occasionally insinuated that I am withholding information or have destroyed documents. To be clear, I have provided all necessary details to various government agencies, and any notion suggesting otherwise feels unfounded and can be construed as harassment. **You have threatened to release "complaints" to the public yet you have not produced them. You have not produced your alleged tracking details. You clearly deleted information in close proximity to this case.**

Document Requests and Initial Disclosures: I've made multiple requests over the past months to understand the methods you employed to obtain my IP address. Despite having some knowledge of probable techniques, the absence of official documents hinders my ability to confirm these processes. The disclosures you've presented thus far seem inadequate, raising questions about their thoroughness for such a crucial case. **Our expert report will explain in detail how we determined you were behind the infringing domains. We also remain ready and willing to produce all responsive documents upon the entry of a standard protective order.**

I've discerned instances where aspects of our communication appear to be taken out of context or misconstrued. **Please provide examples of this as I always endeavor to act with the utmost candor, accuracy, and integrity. I do not believe I have ever made any statement to the court that was not 100% true.**

Deposition Duration: The federal rules stipulate that a deposition should span a single day, not exceeding seven hours. The absence of a clear timeline in your notice could impede my personal and professional obligations. **We are permitted to take seven hours of testimony under the rules. This does not include breaks, lunch, etc. The language "continuing from day to day," is standard and is included to mean that the deposition will continue until the seven hours of testimony is reached. We do not take the position that we are entitled to more than seven hours of testimony at this point in the proceedings.**

Pending Motions: Numerous motions on the court's docket await resolution. It might be in our best interest to let these motions conclude before advancing with the deposition, ensuring clarity on the standing matters. **We do not agree. We have a scheduling order in place that we must comply with.**

Subpoena and Discovery: Your continual hesitation to provide me with the subpoena, coupled with your assertions about its unavailability, breeds further mistrust in our interactions. Access to these pivotal documents is integral to my preparation. Their absence puts me in a position to rely solely on memory, which isn't optimal given the case's nuances. **If you had agreed to the entry of a standard protective order, you would have had them by now.**

Deposition Logistics and Attendees: In anticipation of the deposition scheduled for tomorrow, I respectfully request details regarding the format of the deposition — specifically, whether it will be conducted in-person or via video conference. Additionally, I would appreciate being apprised of the specific attorneys from your firm who will be in attendance. Swearing In and Authentication: I'd appreciate clarity on who will officiate the swearing-in process during the deposition and the measures in place to validate the transcripts' authenticity. **The deposition will be conducted in person at the address in the notice. I will be taking it on behalf of the Plaintiffs. You will be placed under oath by the court reporter who ultimately certifies the accuracy of the transcript. Your testimony will be under penalty of perjury. There will be a videographer there making a video record of the testimony as well.**

Whistleblower Allegations: I wish to underscore that my whistleblower case is centered on serious allegations of fraudulent activities. My pursuit is neither arbitrary nor unfounded; each claim is based on authentic concerns and is advanced with the highest level of probity. I remain perplexed about the allegations of trademark infringement, as their specifics remain unclear to me. The foundation of my case is anchored in detailed complaints submitted through MAA's SEC-mandated whistleblower system in April and November of 2021. During those instances, I provided MAA with comprehensive documentation and correspondences highlighting potential accounting discrepancies, concerns about fire safety measures affecting approximately

200 residents, and other potentially deceptive business practices. Your continued pursuit in this matter appears to me as retaliation, I assure you. **This case is based on the fact that you used MAA trademarks to create infringing domains and false and misleading LinkedIn Accounts.**

To conclude, while I respect the court's protocols and your firm's dedication to its client, it's vital that this respect be mutual, ensuring an equitable process for all involved.

I anticipate prompt attention to these concerns and clarifications.

Sincerely,

Dennis Philipson

On Sun, Oct 29, 2023 at 9:38 AM Mills, Paige <PMills@bassberry.com> wrote:

Mr. Philipson,

Most respectfully, since late yesterday afternoon, you have provided a litany of ever-changing excuses as to why you can't appear at the deposition on a date you suggested and agreed to almost a month ago. Your excuses have run the gamut, including the following:

1. You can't get ready because you don't have Plaintiff's documents;
2. You can't get ready because the deposition notice was defective because it did not contain the topics to be covered and the questions to be asked;
3. You can't get ready because Plaintiff wants to cover topics that are too broad or irrelevant;
4. The deposition is improper because it might cover whistleblowing topics;
5. The deposition is improper because it feels like it might be an interrogation;
6. You didn't know about the deposition until you returned on October 28th, despite the fact that we set it by agreement on October 2 and you received a notice of deposition on October 6;
7. Unexpected developments have severely impacted your level of readiness;
8. You've only had 26 days-notice (it was set by agreement on the 2nd) and that's not enough;

You waited until a Saturday afternoon before the Monday morning deposition to raise these excuses and blocked me from replying. Accordingly, I was forced to spend all Saturday afternoon drafting and filing a pleading on the Court's docket to debunk these excuses, most of which were frivolous or patently wrong. Once you received my reply, you came up with new excuses:

9. The discovery period runs in January so there is no need to do it now;
10. Owing to a "family bereavement" your availability is limited;
11. You need to get legal counsel (despite the fact the case was filed in early April and you've now had six months to do so).

It is true that the discovery period runs in January. However, Plaintiff's expert reports are due in two weeks and we need to take your deposition for the purpose of preparing our expert report. Accordingly, I am unable to agree to moving your deposition two weeks. I also have schedules in other cases that I have to consider. While I am of course sympathetic to family emergencies and responsibilities, you have provided no particulars to your latest vague statement about a "family bereavement" so I am in no position to evaluate that. However, since you did not lead with this excuse and did not provide any details whatsoever, I am unable to agree to change our entire case schedule on the basis of this ambiguous assertion. While you claim you are going to get legal counsel, you have been making references to having access to legal counsel since our first communications in April (see attached email). Given the impending deadline for expert reports, I am unable to move the deposition at this late date and will be in Washington tomorrow morning as scheduled. If you do not appear, I will be seeking sanctions and costs.

Sincerely,

Paige Mills

BASS BERRY + SIMS

Paige Mills

Member

Bass, Berry & Sims PLC

150 Third Avenue South, Suite 2800 • Nashville, TN 37201

615-742-7770 phone

pmills@bassberry.com • www.bassberry.com

From: Philly Dee <phillydee100@gmail.com>

Sent: Saturday, October 28, 2023 9:12 PM

To: Golwen, John S. <jgolwen@bassberry.com>; Thomas, Jordan <jordan.thomas@bassberry.com>; Mills, Paige <PMills@bassberry.com>

Cc: Philly Dee <phillydee100@gmail.com>

Subject: Rescheduling of Deposition Request

Dear Attorneys Golwen, Thomas, and Mills,

First and foremost, I would like to acknowledge and convey some vital developments that happened during my time away. On September 20th, I let your esteemed firm know about my travels. Unexpectedly, these travels extended further than initially anticipated. Subsequently, on October 14th, I apprised the court of my return date, set for October 28th. Due to unforeseen constraints, accessing both the scheduling order and PACER was challenging. It was only upon my return that I became aware of the slated deposition date and the deadlines of the scheduling order.

The decision to proceed with the October 30th deposition was, in part, influenced by Ms. Mills' eagerness to maintain our predetermined timeline. Yet, it's worth noting we have until January 2024 to conclude our depositions. The notice that was dispatched to the court also seems to omit some key deposition-related particulars.

Here are the primary concerns I wish to bring to your attention:

Unforeseen Circumstances: My initial agreement for the deposition on October 30th was grounded in the belief that I would be aptly ready. However, unexpected developments have significantly impacted my level of preparedness. Carrying on with the deposition on the mentioned date, without ample preparation, might unintentionally affect my standing in this case.

Notice to Court: It appears the notice sent to the court is missing vital details pertaining to the deposition, which might cloud the clarity and integrity of the process.

Duration of Deposition: The notice's assertion that the deposition will "continue from day to day until completed" lacks a definitive timeline, which could strain my personal and professional engagements.

Short Notice: The notice's issuance on October 6, 2023, for a deposition set for October 30, provides a mere 24-day window. Given the unforeseen developments, this window seems rather tight.

Considering these points, I would like to request a two-week postponement for the deposition. This delay would grant me the necessary time to engage with legal representation. Given that I'm yet to be furnished with any evidence or subpoenas, and with the outcome of the protective order still in limbo, my request stands on reasonable grounds. To alleviate any inconvenience, I'm more than willing to shoulder any airfare from the prior deposition schedule.

For better communication, I've recalibrated my email settings to prevent future lapses. While digital is efficient, I'd like to emphasize my inclination toward receiving essential documents via USPS. This preference springs from past unpleasant experiences, including identity theft incidents with Virginia Unemployment and Capital One.

However, owing to a family bereavement, my immediate availability is limited. I'll be immersed in family matters and will likely resume communications by Monday. In the meantime, if you have any urgent matter, please feel free to contact my cell phone. Your patience and empathy during this period are highly cherished.

Regarding the emails cited in your "Notice by Mid-America Apartment Communities, Inc. Regarding Its Motion to Compel" dated October 11th, there seems to be a potential misinterpretation. To fortify our communications and ensure complete transparency, I'm actively seeking legal counsel.

Your understanding and patience are genuinely valued. Should you require further details or clarification, do not hesitate to connect.

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Bcc:

Date: Sun, 29 Oct 2023 14:30:17 -0400

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BASS BERRY + SIMS**Paige Mills**

Member

Bass, Berry & Sims PLC

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615-742-7770 phone

pmills@bassberry.com • www.bassberry.com**From:** Philly Dee <phillydee100@gmail.com>**Sent:** Saturday, October 28, 2023 9:12 PM**To:** Golwen, John S. <jgolwen@bassberry.com>; Thomas, Jordan <jordan.thomas@bassberry.com>; Mills, Paige <PMills@bassberry.com>**Cc:** Philly Dee <phillydee100@gmail.com>**Subject:** Rescheduling of Deposition Request

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Warm regards,

Dennis Philipson

2 attachments

 **RE: Rescheduling of Deposition Request.eml**
65K

 **Rescheduling of Deposition Request.eml**
48K

November 2, 2023

Subject: Formal Inquiry into Potential Ethical and Procedural Violations in Civil Litigation

Dear Tennessee Judicial Conduct Board,

I am writing to express significant concerns and to request a thorough investigation into what I perceive to be ethical and procedural infractions in a civil lawsuit initiated by Mid-America Apartment Communities, Inc. (MAA), wherein I am represented against by attorneys from Bass, Berry & Sims PLC.

I wish to first underscore that my involvement in this litigation follows my actions as a corporate whistleblower who has disclosed substantial allegations against MAA since April 2021. Despite the gravity of these whistleblower disclosures, including evidence of securities fraud, accounting fraud, and deceptive sales and leasing practices submitted to both the Securities and Exchange Commission (SEC) and the Department of Justice (DOJ), my experience within the legal proceedings has been fraught with irregularities and what I consider to be retaliatory measures.

Significantly, a lawsuit was filed against MAA concerning Price Fixing on November 1, 2023—the very day a Protection Order motion, filed by opposing counsel in September, was granted. This event closely succeeded my six-hour deposition with the opposing attorney, where the lack of substantive evidence was apparent; notably, no supporting subpoena was produced, and the purported evidence did not remotely demonstrate cause.

During the course of this litigation, my rights to due process seem to have been impeded by the following issues:

1. Initially designated as a witness, my motion to quash the subpoena was denied without adequate justification, followed by my subsequent and abrupt designation as a defendant based on accusations that appear speculative and unsubstantiated.
2. The opposing counsel has persistently sought documents beyond the lawsuit's trademark infringement scope, ostensibly to access the evidence of my whistleblower activities. This overreach is particularly concerning as it relates to a website alleged to have infringed MAA's trademark—a site that is neither operational nor revenue-generating.
3. Moreover, in the midst of my deposition, I faced veiled threats of additional litigation and allusions to federal crimes, which I perceive as intimidation tactics in retaliation for my whistleblower actions.
4. Compounding these matters, my attempts to discuss these issues with Judge Lipman have been met with repeated admonitions for alleged noncompliance with local procedural rules—a claim that I believe is refuted by the docket history and my efforts to adhere to judicial guidelines.
5. Additionally, magistrate intervention, which I understand to be a potential avenue for impartial pretrial management, was denied, leaving me uncertain about the legal basis for such a refusal and the implications for my ability to receive a fair and just hearing.
6. My concerns extend to the conduct of Attorney Paige Waldrop Mills, which I have reported to the Board of Professional Responsibility as per their advice. However, the suggestion to relay

these issues to the judge has placed me in a precarious position, as I fear further adverse repercussions.

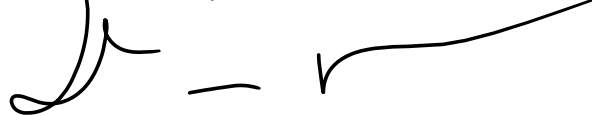
Therefore, I respectfully request that the Tennessee Judicial Conduct Board examine these matters with the utmost diligence and consideration. The implications of the conduct in question not only seem to undermine my fundamental rights but also appear to contravene the American Bar Association's Model Rules of Professional Conduct, specifically regarding meritorious claims and contentions, respect for the rights of third persons, and professional misconduct.

I am placing my trust in the integrity of the Board to uphold the highest standards of justice and ensure that any transgressions are appropriately addressed.

Thank you for your attention to this serious matter.

Yours sincerely,

S/Dennis Philipson, Pro Se Defendant

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a long, sweeping flourish.

6178 Castletown Way, Alexandria VA 22310

Maybear1420@gmail.com

Dated: November 2, 2023

November 3, 2023

To: Tennessee Judicial Board of Conduct
403 Seventh Avenue North, Room 202
Nashville, TN 37243 Phone: (615) 685-6156

From: Dennis Philipson, Pro Se Defendant
6178 Castletown Way
Alexandria, VA 22310
Maybear1420@gmail.com 703-581-5689

Subject: Supplemental Information for Formal Inquiry into Potential Ethical and Procedural Violations in Civil Litigation (Case No. 2:23-cv-2186-SHL-cgc)

Dear Members of the Tennessee Judicial Board of Conduct,

I write to you today to provide a detailed account supplementing the concerns I had in a separate mailing raised regarding Case No. 2:23-cv-2186-SHL-cgc. As a Pro Se Defendant, it is with a profound sense of urgency and a commitment to the principles of justice that I outline further evidence of potential ethical and procedural violations. These incidents, as will be articulated, appear to deviate from the expected standards set forth in the Tennessee Code of Judicial Conduct, potentially compromising the impartiality and integrity of the judicial process in this case.

The sequence of events, which I will elucidate, involve actions and possible omissions by the counsel of the plaintiff, Mid-America Apartment Communities, Inc. (MAA), as well as by the presiding judge. My concern is that these actions may not only impinge upon my rights as a defendant but also reflect broader issues of judicial oversight that require your attention.

It has become increasingly evident that the proceedings in this case have adopted what could be described as a 'cart before the horse' approach to justice. This metaphor underscores the troubling practice of forming conclusions and then subsequently seeking supporting evidence, which is contrary to the due process principles that should underpin and guide any judicial determinations. As a recognized corporate whistleblower, I am entitled to protections under statutes such as the Dodd-Frank Act and the Sarbanes-Oxley Act, which were enacted to shield individuals from retaliation when they report suspected illegal activities. Despite these safeguards, the nature of these legal proceedings—lacking any substantiated allegations of harassment or trademark infringement—appears retaliatory rather than judicious, thereby negating the legal protections and procedural fairness that are my right.

This situation has been further compounded by the plaintiff's expanded document requests encompassing the period from 2020 to 2023, which not only raises questions about the relevance and proportionality of such discovery but also seems to illustrate an intent to conduct a fishing expedition for evidence in light of the ongoing legal scrutiny by the attorney general and anticipated additional litigation. Such tactics seemingly aim to leverage litigation as a tool for intimidation or to extract information in violation of the whistleblower protections afforded to me. This submission is in continuity with previous communications, which have outlined what I perceive as retaliatory litigation from MAA—a response that I believe stems from my whistleblowing activities and one that is characterized by punitive motives rather than legitimate legal grievances.

I trust that this additional information will assist the Board in conducting a comprehensive review of the conduct in question. Your attention to this matter is critical in upholding the fairness and due process that every individual is entitled to under our judicial system.

Timeline of Events with Relevant Details and Concerns

- **April 17, 2023:** Without having any relevant information, I was named as a witness in a trademark infringement case (presumed related to my whistleblower complaints to the SEC, IRS, and DOJ regarding MAA). My motion to quash (Docket #10) was denied without my notification, an omission that seems to neglect my right to due process as per the Federal Rules of Civil Procedure.
- **April 28, 2023:** Three attorneys from Bass, Berry & Sims were added to the case (Docket 11, 12, and 13), and Leslie Wolfgang, SVP of ethics at MAA, submitted an affidavit (Docket #14) containing what I assert are false claims about my alleged anonymous submissions. This move to directly implicate me as a witness with a denied motion to quash raises questions about adherence to the American Bar Association's Model Rules of Professional Conduct, specifically Rule 3.1 on Meritorious Claims and Contentions.
- **July 10, 2023:** I received a notice to Show Cause (Docket #22), which was answered promptly on July 31, 2023. The aggressive stance taken by the plaintiff without proper foundation potentially violates Rule 4.4 of the ABA Model Rules regarding the respect for rights of third persons.
- **September 2, 2023:** I filed a Motion to Dismiss (Docket #33), which remains unreviewed. It addressed concerns regarding the plaintiff's alterations to subpoenas, which calls into question the ethical and procedural correctness under Federal Rules of Civil Procedure Rule 26 about the Duty to Disclose.
- **September 11, 2023:** September 11, 2023: In the course of a scheduling conference, I addressed the court regarding what I perceived as targeted harassment by the attorneys representing Mid-America Apartment Communities, Inc. (MAA). Specifically, I brought to the court's attention the efforts by MAA's legal team to subpoena personal information from my email accounts provided to federal agencies, which seems in direct contravention of the anti-retaliation provisions stipulated in 18 U.S.C. § 1514A of the Sarbanes-Oxley Act. These altered subpoenas targeting my personal emails—as evidenced by the documents enclosed—occurred while I was merely a witness, raising serious questions about the propriety and legality of such discovery tactics. Despite these issues being articulated, the presiding judge's reaction failed to acknowledge the potential retaliatory impetus behind my designation as a witness, a response that, in my view, did not accord with the federal statute's intended protection against such actions for individuals who lawfully report misconduct. During the scheduling conference, the judge explicitly stated that she had granted the plaintiff's counsel considerable latitude with the scope of their subpoenas.
- **October 30, 2023:** During the extensive six-hour videotaped deposition, attorney Paige Waldrop Mills presented no conclusive evidence associating me with the alleged trademark infringement. When probed for clarity on the nature of the lawsuit, she referred to trademark infringement; however, the line of questioning often veered towards harassment, to which she vaguely stated that I would "see" the relevance, though no clear explanation was forthcoming. The closest piece of evidence presented was a photograph of me in front of the Securities and Exchange Commission, which was tenuously connected to a series of predominantly positive five-star reviews, purportedly as an attempt to

intimidate employees—yet no definitive proof was provided to establish this connection. Attorney Mills also suggested that their legal team was constructing a case involving claims of harassment and stalking, with certain activities allegedly amounting to federal crimes.

- **November 1, 2023:** My motions to compel (Docket #60) were denied, and a protective order was approved. This order appeared to restrict my rights unduly and, coupled with the Attorney General of DC announcing a lawsuit against MAA for price-fixing on the same day, suggests a conflict of interest and raises the issue of potential abuse of the discovery process.
- **Continuous:** The plaintiff's counsel's expansion of document requests for the period of 2020 to 2023 raises questions about a possible misapplication of discovery processes. In a separate concern, there appears to be an overreach in the exercise of subpoena powers granted by the court, which may contravene the boundaries established by Rule 45 of the Federal Rules of Civil Procedure regarding the issuance and use of subpoenas. I suspect that my IP address was acquired through undisclosed means, potentially during my legitimate visits to the MAA website or through email exchanges, and then Verizon was subpoenaed without proper authorization by the court. To date, I have not received any subpoena responses from Wix, Google, or Verizon, alluding to a so-called protection agreement. Yet, detailed personal information about employees was revealed during the deposition, without adequate explanation of the evidentiary support for such disclosures.

Concerns Pertaining to the Code of Judicial Conduct

1. **Rule 2.2 - Impartiality and Fairness:** The judge's denial of my motion to quash without notification (April 17, 2023) and the subsequent failure to review my Motion to Dismiss (September 2, 2023) raise concerns about the impartiality and fairness that a judge must uphold.
2. **Rule 2.5 - Competence, Diligence, and Cooperation:** The delayed and seemingly dismissive responses to motions critical to my defense indicate a lack of diligence required of the judiciary to cooperate with litigants, especially pro se parties.
3. **Rule 2.9 - Ex Parte Communications:** If any ex parte communications between the plaintiff's counsel and the court occurred without my knowledge or participation, this could contravene the expectations of judicial conduct and may have a bearing on the case's integrity.
4. **Rule 2.11 - Disqualification:** Given the gravity of the Attorney General of DC's lawsuit against MAA for price-fixing announced on November 1, 2023, coinciding with judicial rulings adverse to my motions, a conflict of interest may exist that warrants the judge's disqualification to prevent the appearance of bias or prejudice.
5. **Rule 2.15 - Responding to Judicial and Lawyer Misconduct:** The potential ethical violations by plaintiff's counsel if they misrepresented facts or abused the discovery process, and if the judge overlooked such actions, may invoke the necessity of the judge's duty to take appropriate action against such misconduct.
6. **Rule 1.2 - Promoting Confidence in the Judiciary:** The cumulative impact of these events might erode public confidence in the judiciary's integrity, independence, and impartiality, suggesting a departure from this rule.

Request for Review and Intervention

In conclusion, it is with a deep sense of concern for the principles of justice that I urge the Tennessee Judicial Board of Conduct to conduct a thorough and careful review of the docket and all associated materials. Although I am not an attorney, the unfolding of events before, during, and after the litigation suggests to me a troubling disregard for my civil rights.

The Sixth Amendment of the United States Constitution guarantees the “assistance of counsel for his defense” to every criminal prosecution, but civil litigants, especially those representing themselves pro se, must rely on the fairness and impartiality of the court to navigate the legal system. Moreover, the Fourteenth Amendment mandates that no state shall “deprive any person of life, liberty, or property, without due process of law.” It is my contention that the due process owed to me has been compromised, which in turn casts a shadow over the integrity of the entire legal proceeding.

The courts have long recognized that while pro se litigants may lack legal training, their rights are no less significant. In *Haines v. Kerner*, 404 U.S. 519 (1972), the Supreme Court noted that the pleadings of pro se litigants are held “to less stringent standards than formal pleadings drafted by lawyers.” Yet, when a pro se litigant’s attempts to fulfill their obligations are met with unacknowledged requests and unfiled objections, the equitable scales of justice are undeniably tilted.

The troubling assertions made during my deposition, the nonchalant threats of additional lawsuits, and the cavalier attitude towards accusations of federal crimes, all serve to reinforce my concerns that my civil rights are at stake. The treatment I have received raises questions about the equitable application of justice and whether the rights guaranteed to individuals within our legal system are indeed inviolable.

Enclosures:

1. Entry 68-1: Objections to the document requests I have submitted.
2. A comprehensive document request issued by opposing counsel Paige Waldrop Mills.
3. Post-deposition email communications with opposing counsel.
4. Motion filed for Case Dismissal dated September 2, 2023.
5. Modified Subpoenas directed at Google
6. Verizon Subpoena

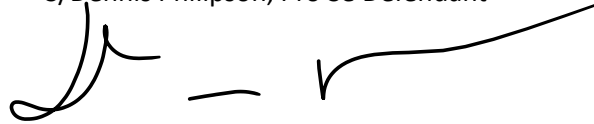
Additionally, please refer to the initial complaint filed with your office, which included a detailed complaint and several emails to the Tennessee Professional Board of Responsibility. I apologize for any redundancy that may arise from this and the initial complaint, but I believe it is imperative to provide a full and clear picture of the events and concerns.

I have endeavored to provide a clear and comprehensive overview of the issues at hand, trusting that your review will be conducted with the gravity and thoroughness it warrants. I implore the Tennessee Judicial Board of Conduct to intervene with the aim of ensuring the fairness, integrity, and proper administration of justice. The pursuit of a just legal process is a cornerstone of our legal system, and it is a right that I, like all citizens, should expect to be upheld.

Thank you for your time and attention to this pressing matter.

Yours sincerely,

S/Dennis Philipson, Pro Se Defendant

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a long, sweeping flourish that extends to the right.

6178 Castletown Way, Alexandria VA 22310

Maybear1420@gmail.com

Dated: November 3, 2023

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
Maybear1420@gmail.com
703-581-5689

November 8, 2023

Marc Theriault, Circuit Executive
Office of the Circuit Executive
United States Court of Appeals for the Sixth Circuit
503 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202-3988

Dear Mr. Theriault and the Office of the Circuit Executive,

I am reaching out to rectify an error I made by initially addressing this matter to the Tennessee Judicial Conduct Board, which I now understand deals solely with state judges. My concerns pertain to the conduct within the Western District of Tennessee Court, particularly involving Judge Sherry H. Lipman.

In brief, my journey began in 2021 when I exposed considerable misconduct at Mid-America Apartment Communities Inc., also known as NYSE: MAA, utilizing their internal SEC-regulated whistleblower platform. Despite their engagement, I encountered deceit in our dealings. In pursuit of justice, I extended my reports to the SEC, IRS, DOJ, EEOC, and now to the FTC, DOJ Anti-Trust, Criminal Division, and the Office of Executive Attorneys.

Throughout my tenure as a dedicated property manager at MAA from 2016 to 2021, I have witnessed first-hand the repercussions of corporate decisions, one of which tragically resulted in a tenant's death in 2021 due to the company's rigid fee policies and prioritization of profits over resident safety.

Subsequent to my reports, significant developments have taken place, including the retirement of MAA's COO and CFO. Moreover, MAA's recent SEC filings disclosed nearly 100 subsidiaries, with half being previously unknown to the company's employees. This revelation, I suspect, stemmed from a potential IRS probe.

Though responses from the aforementioned agencies are pending—which I surmise is due to ongoing substantial investigations—I remain confident in their active pursuit of the truth. The SEC filings earlier this year substantiate this belief.

Within the electronic docket #No. 2:23-cv-2186-SHL-cgc, I tried to include most communications with MAA's legal counsel, prompted by a prevailing sense of malpractice. While I am presently unequipped with additional evidence beyond the recent disclosures, having entrusted all pertinent information to the investigating bodies, I am fully prepared to supply any requested documentation to your office.

The intricacies of this case are complex, and I understand the potential for confusion given the multitude of facets involved. Please know that I am more than willing to clarify any aspects of this complaint or answer any queries to facilitate your understanding and the progression of this case.

Thank you for your attention to this serious matter. I eagerly await your guidance on the next steps.

Warm regards,

Dennis Philipson

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
Maybear1420@gmail.com
703-581-5689

December 15, 2023

Marc Theriault, Circuit Executive
Office of the Circuit Executive
United States Court of Appeals for the Sixth Circuit
503 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202-3988

Dear Mr. Theriault and the Office of the Circuit Executive,

I am writing to provide additional documents related to my case, which are enclosed on this USB drive. I sent my original complaint on November 8th and spoke to a helpful staff member in your office last week, confirming its receipt. However, I am still awaiting a confirmation number from your office.

Regarding the case in the United States District Court for the Western District of Tennessee Western Division No. 2:23-cv-2186-SHL-cgc, I am concerned about the sense of my rights being compromised. The decision to proceed with mediation is unclear to me, especially since it was a specific point of discussion during our scheduling conference on September 11th, 2023.

I recall informing Attorney Mills about my unavailability in November or December on the same day as our 6-hour deposition. I believe this was also communicated in an email to all three attorneys involved when discussing the deposition of MAA, which I suggested take place after the holidays. Unfortunately, no dates have been provided yet, and I have now received a request to depose my wife. I also have concerns about the dismissal of the motion to dismiss, which seemed biased and appeared as if it could have been authored by the opposing counsel. This approach, to my understanding, is not in alignment with local rules for such motions.

I would also like to clarify that I do not possess the information Ms. Mills is seeking and cannot confirm details I do not recall. The deposition was notably lengthy and convoluted, characterized by what felt like an array of irrelevant and frivolous evidence. It seemed as though the line of questioning was intentionally designed to disorient me, with the same inquiries posed in multiple ways. This approach appeared to be a strategic effort to complicate the process, potentially to prompt an unwarranted admission on my part.

I apologize for any potential disorganization in the documents on the USB drive and hope you will not encounter any issues accessing them.

Thank you for your attention to these matters.

Warm regards,

Dennis Philipson

Good afternoon, Circuit Executive,

I am reaching out to you with an urgent concern regarding a potential conflict of interest in a case being handled by the United States District Court, Western District of Tennessee. This issue involves Mr. Michael Kapellas, who is currently a Judicial Law Clerk within this court, and his previous association with Bass, Berry & Sims PLC.

Before his current role as a Judicial Law Clerk, Mr. Kapellas was an associate at Bass, Berry & Sims PLC. The attorneys representing the plaintiffs in my case are from the same law firm. These attorneys are:

- 1) Jordan Elizabeth Thomas, BPR Number: 039531, licensed in Tennessee since 2021, working from the same address as Mr. Golwen in Memphis, TN, and a graduate of the University of Mississippi - School of Law.
- 2) John Stone Golwen, BPR Number: 014324, licensed in Tennessee since 1990, with an office at 100 Peabody Pl Ste 1300, Memphis, TN 38103-3649, in Shelby County.
- 3) Paige Waldrop Mills, BPR Number: 016218, licensed in Tennessee since 1993, operating from 150 3rd Ave S Ste 2800, Nashville, TN 37201-2017, in Davidson County, and a graduate of the University of Tennessee - College of Law.

The direct connection between Mr. Kapellas's former employer and the attorneys involved in my case raises serious ethical concerns. According to the American Bar Association's Model Rules of Professional Conduct, Rule 1.12, and the Tennessee Code of Judicial Conduct, Canon 2, Rule 2.11, there are clear guidelines about conflicts of interest involving court personnel. These rules are in place to prevent any semblance of bias or partiality in the judicial process.

Given Mr. Kapellas's prior employment with the law firm representing the opposing party in my case, there is a reasonable basis to question the impartiality of the proceedings. This situation not only potentially violates the ethical guidelines but also threatens the integrity of the judicial process and the public's confidence in our legal system. Mr. Kapellas has been substantially involved in the civil lawsuit against me.

In the course of my ongoing legal battle, I have encountered multiple instances where my rights, as guaranteed under the law, have been compromised. These violations, which range in nature and severity, have prompted me to seek intervention from various authoritative bodies. I have reached out to the Department of Justice (DOJ), highlighting potential federal law infringements. Most recently, in this absurd judicial process against me, there was a third attempt to serve my wife with a subpoena by an individual identifying himself as Agent Barber. He wears a badge around his neck and arrived with flashing lights on his car. My wife has no idea what this is about, and we perceive this as continued harassment by the attorneys named in my case. I have provided video evidence of this incident, as well as footage of him sneaking around my house with a flashlight.

Additionally, I have filed complaints with the Tennessee Ethics Board and the Judicial Board, outlining specific ethical and procedural transgressions. Recognizing the gravity of these issues, I have also escalated my concerns to the Sixth Circuit, Circuit Executive. These actions are in line with the rights afforded to me under the Constitution and the legal recourse available in such situations, as delineated in both federal and state legal frameworks. My aim in contacting these entities is not only to seek redress

for the violations I have faced but also to contribute to the broader effort of upholding justice, transparency, and fairness within the judicial system.

Additionally, in October and December, I dispatched two formal complaints to the Circuit Executive's office, each accompanied by a USB drive containing a substantial amount of evidence and information.

I have compiled and overnighted a comprehensive dossier of this information to your office and to Fox 13 Memphis for further investigation. It is imperative that this matter be examined thoroughly to uphold the principles of fairness and justice.

The circumstances warrant a prompt and impartial review to ensure that all legal proceedings are conducted in accordance with the highest ethical standards.

I trust that the court will take the necessary steps to address this potential conflict of interest and maintain the integrity of the judicial process. I look forward to your response and the appropriate actions that will be taken in this regard. I will also follow-up by phone, later this week.

Thank you for your attention to this critical issue.

Sincerely,

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**Appearance of Counsel**Appeal No.: **24-5614**Case Title: **Mid-America Apartment Communities** vs. **Dennis Philipson**

List all clients you represent in this appeal:

Mid-America Apartment Communities, Inc.☐ Appellant☐ Petitioner☐ Amicus Curiae☐ Criminal Justice Act☒ Appellee☐ Respondent☐ Intervenor

(Appointed)

☒ Check if a party is represented by more than one attorney.☐ Check if you are lead counsel.**If you are substituting for another counsel, include that attorney's name here:**

By filing this form, I certify my admission and/or eligibility to file in this court.

Attorney Name: **John S. Golwen** Signature: s/ **John S. Golwen**Firm Name: **Bass, Berry & Sims PLC**Business Address: **100 Peabody Place, Ste 1300**City/State/Zip: **Memphis, TN 38103**Telephone Number (Area Code): **(901) 543-5903**Email Address: **jgolwen@bassberry.com**

Please ensure your contact information above matches your PACER contact information. If necessary, update your PACER account.

CERTIFICATE OF SERVICE

The electronic signature above certifies that all parties or their counsel of record have been electronically served with this document as of the date of filing.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**Appearance of Counsel**Appeal No.: **24-5614**Case Title: **Mid-America Apartment Communities** vs. **Dennis Philipson**

List all clients you represent in this appeal:

Mid-America Apartment Communities, Inc.☐ Appellant☒ Appellee☐ Petitioner☐ Respondent☐ Amicus Curiae☐ Intervenor☐ Criminal Justice Act

(Appointed)

☒ Check if a party is represented by more than one attorney.☒ Check if you are lead counsel.

If you are substituting for another counsel, include that attorney's name here:

By filing this form, I certify my admission and/or eligibility to file in this court.

Attorney Name: **Paige Mills** Signature: s/ **Paige Mills**Firm Name: **Bass, Berry & Sims PLC**Business Address: **150 3rd Ave. South, Suite 2800**City/State/Zip: **Nashville, Tennessee 37201**Telephone Number (Area Code): **(615) 742-6200**Email Address: **pmills@bassberry.com**

Please ensure your contact information above matches your PACER contact information. If necessary, update your PACER account.

CERTIFICATE OF SERVICE

The electronic signature above certifies that all parties or their counsel of record have been electronically served with this document as of the date of filing.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-5614

MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,)	
Plaintiff-Appellee,)	
v.)	Amended Notice of Appeal
)	(July 24, 2024)
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant)	

To the Clerk of the Court and all parties concerned:

Notice is hereby given that Dennis Michael Philipson, the Defendant in the above-captioned case, intends to appeal to the United States Court of Appeals for the Sixth Circuit from the final judgment entered in this action by the United States District Court for the Western District of Tennessee on May 6, 2024, and all interlocutory orders leading to the judgment. This notice is to inform the Court of the Defendant’s intention to challenge the decision based on claims of judicial error, procedural irregularities, and violations of constitutional rights that critically affected the fairness and integrity of the trial proceedings.

The grounds for the forthcoming appeal include, but are not limited to:

- Judicial Misconduct and Bias:** The trial was marred by evident judicial misconduct and bias, where the presiding judge exhibited clear partiality towards the Plaintiff, disregarding standard judicial procedures and the fundamental principles of fairness. The involvement of the judicial law clerk, who previously worked with Plaintiff’s law firm, raised unresolved conflicts of interest.
- Procedural Irregularities and Abuse of Process:** The court engaged in procedural irregularities, including the mishandling of evidence and misuse of subpoenas, which undermined the integrity of the judicial process. Key decisions were made without sufficient evidence, and the sanctions imposed were disproportionately severe and not supported by the facts of the case.
- Violation of Constitutional Rights:** The Defendant’s constitutional rights, including the right to a fair trial and due process, were compromised. The court’s failure to allow adequate time for preparation and response to the Plaintiff’s motions denied the Defendant the opportunity to effectively participate in his defense.

4. **Erroneous Legal Rulings:** The court made several erroneous legal rulings, particularly concerning the application of the law regarding sanctions, permanent injunctions, and the interpretation of actions as constituting trademark infringement and cyber harassment.

The Defendant will proceed with filing the formal Notice of Appeal in accordance with the rules and timeline stipulated by the Federal Rules of Appellate Procedure.

Dated this 24th day of July 2024.

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal line extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
Dphilipson1982@yahoo.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July 2024, a true and correct copy of the foregoing Notice of Intent to Appeal was served via PACER and United States Postal Service upon the following:

Counsel for Plaintiff:

Bass, Berry & Sims PLC

Paige Waldrop Mills, BPR. No. 016218

BASS, BERRY & SIMS PLC

Suite 2800; 1

50 3rd Ave.

South Nashville, Tennessee 37201

Tel: 615-742-6200

John Golwen, BPR. No. 014324

Jordan Thomas, BPR. No. 039531

BASS, BERRY & SIMS PLC

100 Peabody Place,

Suite 1300 Memphis,

Tennessee 38103

Tel: (901) 543-5903

Fax: (615) 742-6293

Counsel for Mid-America Apartment Communities, LLC



/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Kelly L. Stephens
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: July 29, 2024

Mr. John S. Golwen
Bass, Berry & Sims
100 Peabody Place
Suite 1300
Memphis, TN 38103

Ms. Paige Waldrop Mills
Bass, Berry & Sims
150 Third Avenue, S.
Suite 2800
Nashville, TN 37201

Mr. Dennis Philipson
P.O. Box 30142
Alexandria, VA 22310

Re: Case No. 24-5614, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*
Originating Case No. 2:23-cv-02186

Dear Mr. Philipson and Counsel,

The briefing schedule listed below gives you the opportunity to present your issues to the court in your own words. You may follow these requirements or use the simplified briefing form which is enclosed. If you are an inmate in an institution, your brief will be considered timely if it is deposited in your institution's mail on or before the filing date. The brief should include a declaration under penalty of perjury or a notarized statement stating the date that the brief has been deposited and that first-class postage has been paid. *See* Fed. R. App. P. 25(a)(2)(A)iii. If you are *not* an inmate, your brief is considered timely if it is mailed to the clerk by first-class mail, or dispatched to a commercial carrier for delivery to the clerk within three days, or received in the court by the filing date indicated below. *See* Fed. R. App. P. 25(a)(2)(A)ii. If the brief is filed late, the case is at risk of being dismissed for want of prosecution.

Appellant's Brief

1 signed original
Limit of 30 pages or 13,000 words
Filed by **September 10, 2024**

Citations in your brief to the lower court record must include (i) a **brief** description of the document, (ii) the record entry number and (iii) the "**Page ID #**" for the relevant pages. When citing a sealed document to which counsel has been denied access to the paginated version in the lower court, please refer to the docket entry number and the page number of the document, e.g., Sealed RE 25, page 3. Consult 6 Cir. R. 28(a)(1).

Appellee's Brief
Appendix (if required by
6 Cir. R. 30(a) and (c)(2))

Filed electronically by **October 9, 2024**

Appellant's Reply Brief
(Optional Brief)

If multiple appellee briefs are filed,
only one reply brief may be filed by
appellants. The reply brief
is due no later than **24** days after
the last appellee brief is filed.

For most appeals, the Court will access directly the electronic record in the district court. However, to determine if this appeal requires an appendix and how to prepare it, read the latest version of the Sixth Circuit Rules at www.ca6.uscourts.gov, in particular Rules 28 and 30.

If you still have questions after reviewing the information on the web site, please contact the Clerk's office before you file your brief.

Sincerely yours,

s/Virginia Lee Padgett
Case Manager
Direct Dial No. 513-564-7032

Enclosure

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Case Number: _____

Case Name: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

PRO SE APPELLANT'S BRIEF

Directions: Answer the following questions about the appeal to the best of your ability. Use additional sheets of paper, if necessary, not to exceed 30 pages. Please print or write legibly, or type your answers double-spaced. You need not limit your brief solely to this form, but you should be certain that the document you file contains answers to the questions below. The Court prefers short and direct statements.

Within the date specified in the briefing letter, you should return one signed original brief to:

United States Court of Appeals For The Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202-3988

1. Did the District Court incorrectly decide the facts? ☐ Yes ☐ No

If so, what facts?

2. Do you think the District Court applied the wrong law? ☐ Yes ☐ No

If so, what law do you want applied?

3. Do you feel that there are any others reasons why the District Court's judgment was wrong?

☐

Yes

☐

No

If so, what are they?

4. What specific issues do you wish to raise on appeal?

5. What action do you want the Court of Appeals to take in this case?

I certify that a copy of this brief was sent to opposing counsel via U.S. Mail on the ____ day of _____, 20____.

Signature (Notary not required)

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**Appearance of Counsel**Appeal No.: **24-5614**Case Title: **Mid-America Apartment Communities** vs. **Dennis Philipson**

List all clients you represent in this appeal:

Mid-America Apartment Communities, Inc.☐ Appellant☒ Appellee☐ Petitioner☐ Respondent☐ Amicus Curiae☐ Intervenor☐ Criminal Justice Act

(Appointed)

☒ Check if a party is represented by more than one attorney.☐ Check if you are lead counsel.**If you are substituting for another counsel, include that attorney's name here:**

By filing this form, I certify my admission and/or eligibility to file in this court.

Attorney Name: **Jordan E. Thomas** Signature: s/ **Jordan E. Thomas**Firm Name: **Bass, Berry & Sims PLC**Business Address: **100 Peabody Place, Ste 1300**City/State/Zip: **Memphis, TN 38103**Telephone Number (Area Code): **(901) 543-5966**Email Address: **jordan.thomas@bassberry.com**

Please ensure your contact information above matches your PACER contact information. If necessary, update your PACER account.

CERTIFICATE OF SERVICE

The electronic signature above certifies that all parties or their counsel of record have been electronically served with this document as of the date of filing.

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-5614**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

V.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

**MOTION FOR REASONABLE
ACCOMMODATION AND
REGULATED INTERACTION WITH
PLAINTIFF APPELLEE'S COUNSEL**

To the Clerk of the Court and all parties concerned:

I, Dennis Philipson, appearing pro se, hereby submit this Motion for Reasonable Accommodation pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., and the applicable Federal Rules of Appellate Procedure (FRAP) and Local Rules of the United States Court of Appeals for the Sixth Circuit.

Background

I was diagnosed with bipolar disorder, severe anxiety, and depression in 2014. These conditions were further exacerbated by events in 2021. These disabilities, as defined under the ADA, 42 U.S.C. § 12102(1), substantially limit my ability to process information, manage stress, and effectively engage in legal proceedings without accommodations. The Appellees, Mid-America Apartment Communities, Inc., LLC, their general partner Mid-America Apartments LP, and their subsidiaries, have been aware of my mental health conditions since 2019, as formally communicated to them and their legal representation in 2023 (Dkt # 43-2 and 106-2).

Despite my request for reasonable accommodations in the lower court, the U.S. District Court for the Western District of Tennessee (Memphis) failed to address these needs in a timely manner, causing undue hardship and

hindering my full understanding and participation in the proceedings. The delay in addressing my disability-related needs necessitates that this Court grant the requested accommodations to ensure my meaningful access to the appellate process (Dkt # 76 & 77). Although I was uncertain whether such a request was permissible in a Federal District Court, I believe the court could have addressed this matter earlier rather than at a time convenient for them (Dkt #94, Pg. 5).

Request for Accommodations

1. Extension of Deadlines:

- The complexities of the legal process, coupled with my disability-related limitations in information processing and stress management, create a substantial barrier to meeting standard deadlines. The ADA requires reasonable modifications to policies, practices, or procedures to avoid discrimination on the basis of disability, unless the modification would fundamentally alter the nature of the service, program, or activity. (42 U.S.C. § 12182(b)(2)(A)(ii)). Granting extensions for filing deadlines is a widely recognized reasonable accommodation in the legal context. For instance, the deadline for my brief is September 10, 2024 (Dkt 12-1). I would appreciate if this could be extended by at least six weeks to allow me adequate time to understand the local rules, applicable laws, and to draft a well-reasoned brief.
- FRAP 26(b) allows this Court to extend the time prescribed by the rules “for good cause,” and Sixth Circuit Local Rule 26(a)(1) similarly allows extensions for “good cause.” My disabilities constitute “good cause” for an extension. In *United States v. Pierre*, 254 F. App’x 871 (11th Cir. 2007), the court held that a medical condition can constitute good cause for an extension of time.
- I respectfully request that the Court grant me extensions of time to prepare and file all submissions. These extensions are crucial to ensure that I can effectively participate in this appeal without exacerbating my mental health conditions.

2. Hard Copy Notifications of Pertinent Orders and Documents:

- While I intend to comply with the Sixth Circuit's electronic filing requirements, I request the accommodation of receiving hard copies of all pertinent court orders and important documents issued by the court be mailed to my residential address. My disabilities impact my ability to effectively process information through digital formats. Receiving hard copies of documents allows me to interact with the material in a more manageable and less stressful manner. This method helps in reducing cognitive overload, as I can physically organize and annotate documents, which is crucial for my understanding and response preparation. Additionally, hard copies eliminate the visual strain and navigational challenges associated with long hours of screen time, ensuring that I can review materials thoroughly and effectively.

3. Simplified Communications:

- Due to my educational background and the anxiety associated with my disabilities, I find it challenging to comprehend complex legal terminology and intricate sentence structures on first reading. This often necessitates repeated review and extensive research to fully understand the material. The ADA mandates effective communication with individuals with disabilities (28 C.F.R. § 35.160(a)(1)). In the landmark case *Tennessee v. Lane*, 541 U.S. 509 (2004), the Supreme Court underscored that the ADA protects the right of access to the courts. Receiving hard copies of case documents will significantly enhance my ability to access, review, and interact with necessary legal materials, thus ensuring my meaningful participation in the legal process.

4. While acknowledging that the Court cannot provide legal advice, I respectfully request that all communications from the Court be drafted in clear and concise language, avoiding legal jargon whenever possible. This request is made to ensure that the language used is accessible and

understandable to someone with my educational background and the anxiety I experience. Simplified language will significantly enhance my comprehension and enable me to participate more effectively in the proceedings. An additional accommodation, if complex legal terms must be used, would be to provide a brief explanation or definition of such terms in the communication. This approach will help bridge any gaps in my understanding and ensure that I have the necessary tools to engage fully with the legal process.

5. Limitation on Communications from Opposing Counsel:

- Throughout the course of this litigation, excessive and unnecessarily aggressive communications from opposing counsel have significantly exacerbated my anxiety. This escalation of stress has not only hindered my ability to focus on the legal merits of the case but also impacted my personal life profoundly. The public nature of this litigation and the exposure of my name across the internet (Exhibit A), akin to that of a criminal, have intensified my anxiety to such an extent that I have had to seek additional psychiatric help. Consequently, I have undergone more intensive therapy and my medication dosages have been increased to manage this heightened anxiety. In light of these circumstances, I respectfully request that the court impose restrictions on the nature and frequency of communications from opposing counsel, limiting them to essential legal correspondences filed through official court channels. This limitation is crucial to preserving my mental health and ensuring my effective participation in this litigation.
- To mitigate the detrimental impact on my mental health and ensure a fair and equitable appellate process, I request that the Court instruct opposing counsel to limit their communications to essential court filings and refrain from engaging in direct communication with me via excessive mailings (Dkt #106-1) or email, except as necessary for case management or settlement discussions. This request is consistent with the principles of fairness and civility embodied in Sixth Circuit Local Rule 47(a), which

states that the Court expects all counsel to conduct themselves with “dignity, courtesy, and integrity.”

The Court has the authority to manage the conduct of parties and counsel appearing before it to ensure a fair and orderly process.

- The opposing counsel employed a process server, who identified himself as 'Agent Barber,' complete with a badge and flashing lights on his vehicle, to serve a subpoena to my wife. This individual was recorded on multiple occasions lurking around my house with a flashlight, behavior that I captured on video. These unsettling incidents intensified my distress. Additionally, my legitimate whistleblower complaints to MAA, submitted through the mandated SEC system and which I maintain are truthful, were unexpectedly made public through the court docket (Dkt # 113-10). This breach of confidentiality and the aggressive actions of the process server have significantly exacerbated my anxiety.

Timeline of Efforts to Address Concerns:

- In my pursuit of a fair and accommodating legal process, I initially raised my concerns directly with the presiding judge and the court staff several times throughout the docket, including a scheduling conference on September 11, 2023, (Dkt #45) an email to the court, which I did not want published to the docket (Dkt #103) as well as a motion of judgment against myself, (Dkt #106). After seeing limited progress, I escalated the matter to the Professional Board of Responsibility. Upon learning that certain issues fell outside their jurisdiction, particularly those involving federal courts, I then approached the Judicial Board. When it became clear that the Judicial Board does not handle matters related to federal courts, I sought assistance from the Department of Justice. Unfortunately, despite these efforts, my concerns remained largely unaddressed. As a last resort, I filed a formal complaint with the Circuit Executive last year. Regrettably, this complaint has also not been reviewed, which has further exacerbated my anxiety and compounded the challenges I face in participating in this litigation. This extensive history of seeking help highlights the systemic difficulties in addressing my valid concerns

and underscores the urgent need for this court to grant my requested accommodations to ensure my meaningful and equitable participation in the proceedings.

- The court has reported sending me several communications via certified mail, which I have yet to receive. This discrepancy has not only caused significant confusion but also hindered my ability to stay informed about the proceedings and respond appropriately. The lack of reliable communication adds to the stress and challenges I face, complicating my efforts to effectively manage and participate in my case (Dkt #72 & 74). The court and opposing counsel had repeatedly accused me of “flouting” the rules of the court and not adhering to court protocols throughout the docket entries, one example (Dkt #94, Pg. 3)..

Conclusion

The accommodations requested within this motion are crucial for providing me with equitable access to the appellate process, particularly given the unique challenges posed by my disabilities. These accommodations—extending deadlines, receiving hard copies of court documents, simplifying legal communications, and restricting overly aggressive interactions from opposing counsel—are reasonable, necessary, and grounded in legal precedent.

Furthermore, I respectfully request that all court communications, including the service of official documents, be directed to my residential address at 6178 Castletown Way, Alexandria, VA 22310. This change is imperative as I have encountered significant difficulties with mail delivery to my previous P.O. box, which has already led to missed communications and added stress.

Granting these accommodations will not only ensure that I do not face discrimination due to my disabilities but also uphold the principles of fairness, equality, and justice that are the bedrock of our legal system. I urge the Court to affirm its commitment to these principles by granting this Motion for Reasonable Accommodation, thereby facilitating a fair and effective appellate process.

Dated this 1st day of August 2024.

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dm' followed by a long, sweeping horizontal stroke that curves upwards at the end.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
Dphilipson1982@yahoo.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August 2024, a true and correct copy of the foregoing Motion for a Reasonable Accommodation was served via PACER and United States Postal Service upon the following:

Counsel for Plaintiff:

Bass, Berry & Sims PLC

Paige Waldrop Mills, BPR. No. 016218

BASS, BERRY & SIMS PLC

Suite 2800; 1

50 3rd Ave.

South Nashville, Tennessee 37201

Tel: 615-742-6200

John Golwen, BPR. No. 014324

Jordan Thomas, BPR. No. 039531

BASS, BERRY & SIMS PLC

100 Peabody Place,

Suite 1300 Memphis,

Tennessee 38103

Tel: (901) 543-5903

Fax: (615) 742-6293

Counsel for Mid-America Apartment Communities, LLC

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long horizontal flourish extending to the right.

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

Exhibit A



Dennis Philipson



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Dennis Philipson - EVP of Harassment & Disabilities

Germantown, Tennessee, United States · EVP of Harassment & Disabilities · Mid American Mental Consultants (MAMC)

I am a master of finance & accounting. I am also a wiz at press releases and have many friends I went to school with in legal & accounting.

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Mid-America Apartment Communities, Inc. v. DOE-1 et al

Apr 3, 2023 · Mid-America Apartment Communities, Inc. v. DOE-1 et al. Plaintiff: Mid-America Apartment Communities, Inc. Defendant: JOHN DOE-1 and JOHN DOE-2. Petitioner: **Dennis**...

Case Number: 2:2023cv02186 **Defendant:** JOHN DOE-1 and JOHN DOE-2
Petitioner: Dennis Philipson **Plaintiff:** Mid-America Apartment Communi...



MID-AMERICA APARTMENT COMMUNITIES, INC. v. PHILIPSON - Le...

Jun 21, 2024 · Case No. 2:23-cv-02186-SHL-cgc. View Case. MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff, v. **DENNIS** MICHAEL **PHILIPSON**, Defendant. United States District...

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Mid-America Apartment Communities, Inc. v. DOE-1 et al

Apr 3, 2023 · Mid-America Apartment Communities, Inc. v. DOE-1 et al. Tennessee Western District Court. Judge: Sheryl H Lipman. Referred: Charmiane G Claxton. Case #: 2:23-cv-02186.

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Dennis John Wojcik Obituary (1950-2024) | Utica, NY

May 13, 2024 · Memorial contributions in **Dennis**' honor may be made to Making Strides Against Breast Cancer on behalf of Team **Dennis** online at <https://tinyurl.com>.; or by mail to Team **Dennis**,...

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Mid-America Apartment Communities, Inc. v. Dennis Philipson

Jul 9, 2024 · Response due by 07/31/2024 for **Dennis Philipson**. (VLP) [Entered: 07/10/2024 01:47 PM] July 9, 2024: Filing 3 LETTER SENT to Mr. **Dennis Philipson**, directing that the enclosed notice...

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Dennis Philipson - Head Janitor - Parkens Elementary School ...

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Dec 20, 2014 · The latest Tweets from **Dennis Philipson** (@DennisPhilipson): "http://t.co/tmAp02KlCT via @youtube"

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DENNIS MICHAEL PHILIPSON,)) Defendant.) ORDER DENYING MOTION TO COMPEL AND MOTION FOR EXPEDITED DISCOVERY OF SUBPOENA RESPONSES AND ITEMIZATION OF...

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Mid-America Apartment Communities, Inc. v. Dennis Philipson

WEB Jul 9, 2024 · MID-AMERICA APARTMENT COMMUNITIES, INC. Defendant: **DENNIS PHILIPSON**. Case Number: 24-5614. Filed: July 9, 2024. Court: U.S. Court of Appeals, ...

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Mid-America Apartment Communities, Inc. v. DOE-1 et al

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MID-AMERICA APARTMENT COMMUNITIES, INC. v.

WEB Case No. 2:23-cv-02186-SHL-cgc. View Case. MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff, v. **DENNIS MICHAEL PHILIPSON**, Defendant. United ...

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Mid-America Apartment Communities, Inc v DOE-1 et al - UniCourt

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DENNIS MICHAEL PHILIPSON, Defendant.)))))) No. 2:23-cv-2186-SHL-cgc ORDER DENYING MOTION TO DISMISS Before the Court is pro se Defendant Dennis Michael Philipson's amended Motion to Dismiss, filed September 2, 2023. 1 (ECF No. 33.) ... that also does not provide him a basis f...

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Mid-Am. Apartment Cmtys. v. Philipson - Casetext

In the Motion for Contempt, Mid-America asserts that pro se Defendant Dennis Michael Philipson, a former MAA employee, was served with a subpoena on April 11, 2023, but "failed to respond to the Subpoena or timely file objections to the documents it seeks." (Id. at PageID 276.) MAA contends that...

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Mid-America Apartment Communities, Inc. v. DOE-1 et al

Apr 3, 2023 · Filing 10 PRO SE MOTION to Quash Subpoena by movant Dennis Philipson. (jae) April 10, 2023: Filing 9 Report to the Commissioner of Patents and Trademarks for Patent/Trademark Numbers 4,009,475; 3,268,349. (cbs) April 7, 2023: Filing 8 ORDER granting #6 PLAINTIFF'S MOTION FOR...

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MID-AMERICA APARTMENT COMMUNITIES, INC. v. PHILIPSON - Lea...

Jun 21, 2024 · SHERYL H. LIPMAN, Chief District Judge.. ORDER ADDRESSING EMAIL TO THE COURT. On June 13, pro se Defendant Dennis Michael Philipson sent an email to the Court's ECF mailbox. (See Attachment 1 ("Philipson Email").)The Philipson Email purports to "inquire about the progress of the...

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Apr 3, 2023 · Dennis Philipson. 6178 Castleton Way Alexandria, VA 22310 Interested Party. Dennis Philipson. 6178 Castleton Way Alexandria, VA 22310 Plaintiff. Mid-America Apartment Communities, Inc. Represented By. John S. Golwen Bass Berry & Sims Plc- Memphis contact info. Paige Waldrop Mills

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Mid-America Apartment Communities, Inc v DOE-1 et al - UniCourt

On 04/03/2023 Mid-America Apartment Communities, Inc filed an Intellectual Property - Trademark court case against DOE-1 in U.S. District Courts. Court records for this case are available from Tennessee Western District Court.

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<https://opencorpdata.com/us-va/11709897>

The Ethical Transparency Association · 4445 Corporation Ln Ste 199C...

Dennis Philipson: Businesses with the same agent. Business Name Address Registered Agent Name Incorporate Date; Manic Mom Movement, LLC: 4210 Electric Rd PMB 1108, Roanoke, Virginia 24018-0728: Corporate Service Center Inc. 2024-06-21: Homestead Property Holdings, LLC:

<https://www.linkedin.com/in/dennis-philipson-6a9688251>

Dennis Philipson - Insurance Specialist - REIT Faux Casualty ... - Linke...

View Dennis Philipson's profile on LinkedIn, a professional community of 1 billion members. Specialize in all your FAKE Insurance needs! · Ask me how I can save you millions of dollars in ...

3

<https://www.echovita.com/us/obituaries/ny/utica/dennis-john-wojcik-18039402>

Dennis John Wojcik Obituary (1950-2024) | Utica, NY - echovita.com

May 13, 2024 · Memorial contributions in Dennis' honor may be made to Making Strides Against Breast Cancer on behalf of Team Dennis online at <https://tinyurl.com>.; or by mail to Team Dennis, MSABC of Utica, American Cancer Society, Attn.: Making Strides of Utica - AZ9LNZ, P.O. Box 10727, Rochester, N...

<https://www.linkedin.com/in/dennis-philipson-123101a8>

Dennis Philipson - Head Janitor - Parkens Elementary School - Linked...

View Dennis Philipson's profile on LinkedIn, a professional community of 1 billion members. Head Janitor at Parkens Elementary School · Experience: Parkens Elementary School · Location: Hyde Park.

<https://twitter.com/DennisPhilipson>

Dennis Philipson (@DennisPhilipson) | Twitter

The latest Tweets from Dennis Philipson (@DennisPhilipson): "http://t.co/tmAp02KICT via @youtube"

<https://www.legacy.com/us/obituaries/wktv/name/dennis-wojcik-obituary?id=55076888>

Dennis Woicik Obituary (1950 - 2024) - Utica, NY - WKTV

People ▼

Dennis

Philipson



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Dennis Philipson

EVP of Finance

Germantown, TN

🏢 Mid American Mental Consultants (MAMC)



Dennis Philipson

I will help you with all your pest, insurance and sexual harassment needs!!

Germantown, TN

🏢 Deplorable Apartment Homes, +1 more



Dennis Philipson

Advocate for employee rights, ethical company behavior and holding people accountable.

Germantown, TN

🏢 Middle-American Fabrication Company



Dennis Philipson

President at Fairy Queen Clothing

United States

🏢 Fairy Queen Clothing

🏠 Poof Poof School of Design



Dennis Philipson

Network Engineer at The Rock Show (DRW Branch)

Greater Melbourne Area

🏢 The Rock Show (DRW Branch)



Dennis Philipson

Head Lamaze Coach at Baby's Factory Inc

Washington, DC

🏢 Baby's Factory Inc



Dennis Philipson

Lead Personal Trainer at Ed's Fat Kamp


Washington, DC

🏢 Ed's Fat Kamp, +1 more




Dennis Philipson
Founder at Dillete Supply
Vienna, VA
 Dillete Supply





Dennis Philipson
Head Janitor at Parkens Elementary School
Hyde Park, NY
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Dennis Philipson
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Germantown, TN
 Named Storm Tree Removal



Dennis Philipson
Waterboy at SCLSU Muddogs
Alcolu, SC
 SCLSU Muddogs



Dennis Philipson
Cashier at Taco Bell
Chantilly, VA
 Taco Bell

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Kelly L. Stephens
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: August 02, 2024

Mr. John S. Golwen

Ms. Paige Waldrop Mills

Mr. Dennis Philipson

Ms. Jordan Elizabeth Thomas

Re: Case No. 24-5614, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*
Originating Case No. 2:23-cv-02186

Dear Mr. Philipson and Counsel,

Briefing in this case will be held in abeyance temporarily pending a jurisdictional screening. When this outstanding matter has been resolved, the clerk's office will issue a new briefing schedule or give the parties other instructions.

Sincerely yours,

s/Virginia Lee Padgett
Case Manager
Direct Dial No. 513-564-7032

NOT RECOMMENDED FOR PUBLICATION

No. 24-5614

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Sep 5, 2024

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT COMMUNITIES,)	
INC.,)	
)	
Plaintiff-Appellee,)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR
v.)	THE WESTERN DISTRICT OF
)	TENNESSEE
DENNIS PHILIPSON,)	
)	
Defendant-Appellant.)	

ORDER

Before: COLE, READLER, and BLOOMEKATZ, Circuit Judges.

This matter is before the court upon initial review of the notice of appeal.

On May 6, 2024, the district court granted in part Mid-America Apartment Communities, Inc.'s (MAA) motion for judgment and a permanent injunction. *See* Fed. R. Civ. P. 16(f), 37(b)(2)(A)(vi). The district court found Dennis Philipson liable under each claim asserted by MAA and ordered him to pay damages. The court directed MAA to submit a description of damages it had incurred, and, if necessary, the court noted that it would set a damages hearing by a separate order.

The May 6, 2024, order is not a final judgment for purposes of appeal. “Judgments ‘where assessment of damages or awarding of other relief remains to be resolved have never been considered to be “final” within the meaning of 28 U.S.C. § 1291.’” *Kovacik v. Cuyahoga Cnty. Dep’t of Child. & Fam. Servs.*, 724 F.3d 687, 693 (6th Cir. 2013) (quoting *Liberty Mut. Ins. Co. v. Wetzel*, 424 U.S. 737, 744 (1976)). Nevertheless, the portion of the order granting a permanent injunction is immediately appealable. *See* 28 U.S.C. § 1292(a)(1). Absent any authorized

No. 24-5614

- 2 -

extension of time, a notice of appeal from the May 6 order was due to be filed on or before June 5, 2024. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A), 26(a). Philipson filed a notice of appeal on July 3, 2024.

By prior order, we noted that Philipson had not moved in the district court for an extension of time to appeal under Federal Rule of Appellate Procedure 4(a)(5) or for reopening of the time to appeal under Federal Rule of Appellate Procedure 4(a)(6). We advised Philipson that, unless such a motion was filed in and granted by the district court, we would be required to dismiss the appeal. We therefore directed Philipson to show cause why the appeal should not be dismissed as untimely.

In response, Philipson contends that “significant ambiguity surround[ed] the finality” of the May 6, 2024 order and that MAA’s subsequent filings “perpetuated the uncertainty.” He claims that his time to appeal should be extended due to “significant judicial confusion and documented instances of potential judicial misconduct.” He also requests that his time to appeal be reopened. The majority of his response, however, reargues the merits of the underlying case.

Philipson has failed to show cause why his appeal should not be dismissed. Although he correctly notes that the May 6, 2024 order is not a final judgment, the portion of the order granting a permanent injunction was immediately appealable, but only within 30 days. And we are unable to grant a request for an extension or reopening of his time to appeal. Authority to grant an extension under Rule 4(a)(5) and reopening under Rule 4(a)(6) is limited to the district court. *Martin v. Sullivan*, 876 F.3d 235, 237 (6th Cir. 2017) (per curiam). Moreover, Rule 4(a)(5)(A)(i) requires that a party move for an extension of time “no later than 30 days after” the expiration of the time allotted for an appeal. That period expired on July 5, 2024, before Philipson filed his response in this court. Thus, even if we had the authority to grant his request for an extension under Rule 4(a)(5), we would have to deny it as untimely.

Compliance with the statutory deadline in § 2107(a) is a mandatory, jurisdictional prerequisite that this court may not waive. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 25-27 (2017); *Bowles v. Russell*, 551 U.S. 205, 214-15 (2007). Philipson’s failure to timely file a notice of appeal deprives this court of jurisdiction. We note that Philipson is not

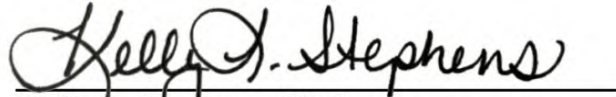
No. 24-5614

- 3 -

without recourse, however, as he may file a notice of appeal once the district court determines damages and enters a final judgment.

The appeal is therefore **DISMISSED**.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 09/05/2024.

Case Name: Mid-America Apartment Communities, Inc. v. Dennis Philipson

Case Number: 24-5614

Docket Text:

ORDER filed: The Appeal is DISMISSED for lack of jurisdiction. No mandate to issue, decision not for publication. R. Guy Cole, Jr., Circuit Judge; Chad A. Readler, Circuit Judge and Rachel Bloomekatz, Circuit Judge.

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Mr. Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

A copy of this notice will be issued to:

Mr. John S. Golwen
Ms. Paige Waldrop Mills
Ms. Wendy R. Oliver
Ms. Jordan Elizabeth Thomas

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 5, 2024
KELLY L. STEPHENS, Clerk

No. 24-5614

MID-AMERICA APARTMENT COMMUNITIES,
INC.,

Plaintiff-Appellee,

v.

DENNIS PHILIPSON,

Defendant-Appellant.

Before: COLE, READLER, and BLOOMEKATZ, Circuit Judges.

JUDGMENT

THIS MATTER came before the court upon consideration of appellate jurisdiction.

IN CONSIDERATION THEREOF, it is ORDERED that the appeal is DISMISSED.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk