

Selected docket entries for case 24–6082

Generated: 05/13/2025 09:59:57

Filed	Document Description	Page	Docket Text
12/03/2024	<u>1</u>		Civil Case Docketed. Notice filed by Appellant Mr. Dennis Philipson. Transcript needed: y. (RGF)
	<u>1</u> Case Opening Letter	10	
	<u>1</u> form(s) sent	13	
12/06/2024	<u>3</u> appearance form	15	APPEARANCE filed for Appellee Mid–America Apartment Communities, Inc. by John S. Golwen. Certificate of Service: 12/06/2024. [24–6082] (JSG)
12/06/2024	<u>4</u> appearance form	16	APPEARANCE filed for Appellee Mid–America Apartment Communities, Inc. by Paige W. Mills. Certificate of Service: 12/06/2024. [24–6082] (PWM)
12/10/2024	<u>5</u> appellant motion filed	17	Appellant MOTION filed by Mr. Dennis Philipson for reasonable accommodation and regulated interaction with plaintiff appellee's counsel. Certificate of service: 12/10/2024. (RGF)
12/10/2024	<u>6</u> exhibit	25	EXHIBIT FILED by Mr. Dennis Philipson consisting of Various web pages. Certificate of Service: 12/10/2024. (RGF)
12/10/2024	<u>7</u> Transcript Order – already on file in the District Court	38	TRANSCRIPT ORDER filed – transcript is already on file in the District Court Clerks Office. Filed by Mr. Dennis Philipson. (RGF)
12/10/2024	<u>8</u>		BRIEFING LETTER SENT setting pro se briefing schedule: appellant brief due 01/22/2025;,. appellee brief due 02/24/2025;. (RGF)
	<u>8</u> Briefing Letter	39	
	<u>8</u> briefing letter sent	41	
12/12/2024	<u>9</u> appearance form	43	APPEARANCE filed for Appellee Mid–America Apartment Communities, Inc. by Jordan E. Thomas. Certificate of Service: 12/12/2024. [24–6082] (JET)
12/23/2024	<u>11</u> (pub) miscellaneous correspondence	44	CORRESPONDENCE: Just to add to my last email, I believe that since December 1st was a Sunday, the deadline would be extended to the next business day, which is today, December 2nd. Under Federal Rule of Appellate Procedure 26(a), deadlines that fall on a weekend or holiday roll over to the next business day. Therefore, if the appeal period ends on November 30 (30 days after November 1), the final day to file would indeed be Monday, December 2, 2024by Mr. Dennis Philipson. (RGF)
01/03/2025	<u>28</u> notification	46	NOTIFICATION filed by Mr. Dennis Philipson regarding Notice of contact information and inquiry regarding docketed correspondence. Certificate of Service: 01/03/2025. (RGF)
01/09/2025	<u>37</u> (pub) miscellaneous correspondence	49	CORRESPONDENCE: My response times are being impacted by Mr. Dennis Philipson. (RGF)
01/14/2025	<u>14</u> notification	52	NOTIFICATION filed by Mr. Dennis Philipson regarding I am writing to request the following updates for Case No. 24–6082: 1. Docket Updates: Please see the enclosed

			communications and motions for addition to the docket. These include prior submissions sent via email to the Pro Se inbox that may not have been. Certificate of Service: 01/14/2025. (RGF)
01/14/2025	<u>15</u> notification	67	NOTIFICATION filed by Mr. Dennis Philipson Dear Chief Judge Sutton, I am writing to respectfully request that the court ensure my Motion for Reasonable Accommodation, submitted on December 10, 2024, is reviewed without further delay. Despite my multiple follow-ups, I have not received any indication of when the motion will be considered, nor has the court provided any timeline for its review. . Certificate of Service: 01/14/2025. (RGF)
01/16/2025	<u>12</u> appellant brief	111	APPELLANT BRIEF filed by Mr. Dennis Philipson Certificate of Service:01/16/2025. Argument Request: PRO SE (RGF)
01/17/2025	<u>13</u> miscellaneous document	138	FILED: <i>Notice of Change of Address</i> by Ms. Paige Waldrop Mills for Mid-America Apartment Communities, Inc.. Certificate of Service: 01/14/2025. [24-6082] (PWM)
01/21/2025	<u>16</u> (pub) miscellaneous correspondence	141	CORRESPONDENCE: DearMr. Ford/am writing to request the following updates for Case No. 24-6082: 1. Docket Updates:Piease see the enclosed communications and motions for addition to the docket. These include prior submissions sent via email to the Pro Se inboxthat may no by Mr. Dennis Philipson. (RGF)
01/22/2025	<u>18</u> appellant motion filed	157	Appellant MOTION filed by Mr. Dennis Philipson for MOTION FOR REVIEW AND ENFORCEMENT OF REQUESTED ACCOMADATIONS AND COMMUNICATION REGULATIONS . Certificate of service: 01/22/2025. (RGF)
01/22/2025	<u>19</u> exhibit	166	EXHIBIT FILED by Mr. Dennis Philipson consisting of emails sent to Court. Certificate of Service: 01/22/2025. (RGF)
01/23/2025	<u>17</u> notification	171	NOTIFICATION filed by Mr. Dennis Philipson regarding. Certificate of Service: 01/23/2025.Dear Clerk's Office/ Please find attached my motion/ Motion for Review and Enforcement of Requested Accomodatjons and Communication Regulations, along with Exhibit A, which was emailed to the Pro Se inbox on January 18,2025.I am also sending this document via USPS Priority Express Mail to ensure its timely upload to the docket and review of my pending motions. As noted in the motion, this filing addresses several procedural concerns that are critica! to my ability to participate in these proceedings as a pro se litigant. These concerns are further exacerbated by my geographical distance from the court. (RGF)
01/24/2025	<u>20</u> appellant motion filed	188	Appellant MOTION filed by Mr. Dennis Philipson EXPEDITED MOTION FOR REVIEW AND ADJUDICATION REQUESTED ACCOMADATIONS OF MOTIONS & NOTIFICATION . Certificate of service: 01/24/2025. (RGF)

01/27/2025	<u>21</u> (pub) miscellaneous correspondence	196	CORRESPONDENCE: Correspondence from attorneys as explicit instructions to not email me by Mr. Dennis Philipson. (RGF)
01/27/2025	<u>22</u> (pub) miscellaneous correspondence	211	CORRESPONDENCE: Correspondence from attorneys as explicit instructions to not email me by Mr. Dennis Philipson. (RGF)
01/28/2025	<u>23</u>		Appellant MOTION filed by Mr. Dennis Philipson to supplement appellate record and brief with additional evidence. Certificate of service: 01/28/2025. (RGF)
	<u>23</u> appellant motion filed	226	
	<u>23</u> Exhibit C Kapellas final court order	243	
	<u>23</u> Exhibit A Circuit executive order	262	
	<u>23</u> Amended Exhibit B Binder to Circuit Executive	267	
	<u>23</u> Exhibit D Correspondence from Attys	310	
02/03/2025	<u>24</u> notification	327	NOTIFICATION of Cease and Desist to Opposing Counsel and record of harassment of motions and notification filed by Mr. Dennis Philipson . Certificate of Service: 02/03/2025. (RGF)
02/03/2025	<u>25</u> notification	335	NOTIFICATION filed by Mr. Dennis Philipson some of the Excessive Mailings. Certificate of Service: 02/03/2025. (RGF)
02/03/2025	<u>27</u> exhibit	351	EXHIBIT FILED by Mr. Dennis Philipson consisting of Videos available upon request. Certificate of Service: 02/03/2025. (RGF)
02/04/2025	<u>26</u> exhibit	357	EXHIBIT FILED by Mr. Dennis Philipson consisting of Whistleblower Complaints. Certificate of Service: 02/03/2025. (RGF)
02/20/2025	<u>29</u> appellant motion filed	379	Appellant MOTION filed by Mr. Dennis Philipson to enforce appellate jurisdiction and to stay district court proceeding. Certificate of service: 02/20/2025. (RGF)
02/20/2025	<u>30</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding Exhibit A and Notice of Filing. Certificate of Service: 02/20/2025. (RGF)
	<u>30</u> Exhibit A	385	
	<u>30</u> Notice of Filing	392	
02/21/2025	<u>31</u>		ORDER filed – The defendant may move for an extension of time by written motion. 6 Cir. R. 26(a)(1). Although the court “disfavors applications for extensions of time for the filing of briefs,” id., the court may extend time for “good cause.” Fed. R. App. P. 26(b). The defendant may, as appropriate, seek extensions of time to meet his various deadlines. As the defendant proceeds pro se, the clerk will continue to serve the defendant in paper. Further, as stated in the case opening letter, the clerk’s office cannot give legal advice but the defendant may direct questions to his case manager at the phone number listed in the case opening letter. Otherwise, the defendant may either file in paper format or “by submitting permissible documents” to the court’s pro se email box. 6 Cir. R. 25(b)(2)(a). Finally, neither the Federal Rules of Appellate Procedure nor the
	<u>31</u> clerk order filed	395	
	<u>31</u> U.S. Mail Notice of Docket Activity	397	

			Sixth Circuit Rules or Internal Operating Procedures authorize the court to impose any restrictions on opposing counsel's interactions with a pro se party. The clerk shall terminate the defendant's motion on the docket. The defendant's separate request to expedite review is DENIED AS MOOT.—[Edited 02/21/2025 by RGF] (RGF)
02/24/2025	<u>32</u> appellee brief	398	APPELLEE BRIEF filed by Ms. Paige Waldrop Mills for Mid–America Apartment Communities, Inc.. Certificate of Service: 02/24/2025. Argument Request: not requested. [24–6082] (PWM)
02/24/2025	<u>33</u> appellant motion filed	425	Appellant MOTION filed by Mr. Dennis Philipson to reconsider order dated 02/21/2025. Certificate of service: 02/24/2025. (RGF)
02/25/2025	<u>34</u> reply brief	441	REPLY BRIEF filed by Party Mr. Dennis Philipson Certificate of Service:02/25/2025. (RGF)
02/27/2025	<u>35</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding Cease and Desist Reminder. Certificate of Service: 02/27/2025. (RGF)
	<u>35</u> notification	475	
	<u>35</u> Additional Document	477	
02/27/2025	<u>36</u> appellant motion filed	479	Appellant MOTION filed by Mr. Dennis Philipson to withdraw motion to reconsider previous order [<u>33</u>]; previously filed by filed by Mr. Dennis Philipson in 24–6082. Certificate of service: 02/27/2025. (RGF)
03/13/2025	<u>46</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding Notice to the appellate court regarding plaintiff's appellee's continue harassment, bad faith litigation, and improper discovery requests with exhibits filed in the District Court. Certificate of Service: 03/13/2025. (RGF)
	<u>46</u> notification	481	
	<u>46</u> motion to compel filed in District Court	486	
	<u>46</u> response to motion to compel filed in District Court	490	
	<u>46</u> Plaintiff's first set of post judgment interrogatories	498	
	<u>46</u> Whistleblower Cease Harassment	510	
03/14/2025	<u>38</u> notification	512	NOTIFICATION filed by Mr. Dennis Philipson regarding Plaintiff–Appellees continued harrassment, bad faith litigation and improper discovery requests. Certificate of Service: 03/14/2025. (RGF)
03/14/2025	<u>39</u> notification	546	NOTIFICATION filed by Mr. Dennis Philipson – It appears that Plaintiff Mid–America Apartment Communities, Inc. (MAA) has filed a Motion toReopen the Case (No. 223–cv–2186–SHL–cgc, Dkt.No. 135) as well as a Motion to Compel Discovery in Aid of Execution (No. 223–cv–2186–SHL–cgc, Dkt. No. 135). In response, I have submitted Exhibit A: Defendant's Pro Se Motion to Issue Subpoenas, in preparation for:. Certificate of Service: 03/14/2025. (RGF)
03/19/2025	<u>40</u> emergency motion filed	559	EMERGENCY MOTION filed by Mr. Dennis Philipson for Immediate Judicial Action . Certificate of Service:03/19/2025. (RGF)

03/19/2025	<u>41</u> notification	577	NOTIFICATION filed by Mr. Dennis Philipson regarding Memorandum for the Record; Notice of Cease and Desist, Intimidation, Harrassment, and reply to certificate of consultation with various exhibits. Certificate of Service: 03/19/2025. (RGF)
03/24/2025	<u>42</u> emergency motion filed	644	EMERGENCY MOTION filed by Mr. Dennis Philipson for Immediate Judicial Action. Certificate of Service:03/12/2025. (RGF)
03/31/2025	<u>43</u> Response to Philipson's Emergency Motion for Immediate Judicial Action	664	RESPONSE in opposition filed regarding a motion, [<u>42</u>]; previously filed by Mr. Dennis Philipson. Response from Attorney Mr. John S. Golwen for Appellee Mid-America Apartment Communities, Inc.. Certificate of Service: 03/31/2025. [24-6082] (JSG)
04/01/2025	<u>44</u> reply	676	REPLY filed by Mr. Dennis Philipson . Certificate of Service: 04/01/2025. (RGF)
04/02/2025	<u>45</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding Notice of Supplemental Submission for the Record with Exhibits. Certificate of Service: 04/02/2025. (RGF)
	<u>45</u> notification	680	
	<u>45</u> Exhibit A – Communication to MAA Executives	683	
	<u>45</u> Exhibit B – Communication to West TN Court and Judge Lipman	685	
	<u>45</u> Exhibit C – Communication to Sixth Circuit Court	689	
04/09/2025	<u>47</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding email sent to Supreme Court, Appellate Court and Sixth Circuit Senior Judges and a Notice to the Sixth Circuit Court Certificate of Service: 04/09/2025. (RGF)
	<u>47</u> Email to Supreme Court, Appellate court and Sixth Circuit Senior Judges	691	
	<u>47</u> Notice to the Sixth Circuit Court of Appeals	693	
04/10/2025	<u>48</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding 6TH Circuit Notice of Communication submitted for the record; Notice of Judge_Attorneys and MAA. Certificate of Service: 04/10/2025. (RGF)
	<u>48</u> notification or communication	696	
	<u>48</u> Notice of Judge Attorneys and MAA	699	
04/10/2025	<u>49</u> notification	701	NOTIFICATION filed by Mr. Dennis Philipson regarding updated Gmail Notice to Attorneys_MAA and Judges. Certificate of Service: 04/10/2025. (RGF)
04/10/2025	<u>50</u> notification	704	NOTIFICATION filed by Mr. Dennis Philipson regarding copy of DISTRICT COURT MAA's SECOND motion for contempt for violating permanent injuction and incorporated memorandum of law. Certificate of Service: 04/10/2025. (RGF)
04/10/2025	<u>51</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding Emergency Opposition to Second Contempt Motion; Request for Immediate Ruling Defendant Dennis Philipson, pro se, filed in WEST DISTRICT OF TN with exhibit. Certificate of Service: 04/10/2025. (RGF)
	<u>51</u> WEST TN emergency response	712	
	<u>51</u> Notice regarding district court filing, et al	715	
04/11/2025	<u>52</u> notification	718	NOTIFICATION filed by Mr. Dennis Philipson regarding Email from Mr. Phillipson. Certificate of Service: 04/11/2025. (RGF)

04/11/2025	<u>53</u> notification	720	NOTIFICATION filed by Mr. Dennis Philipson regarding FOLLOW-UP COMMUNICATION CONCERNING EMERGENCY FILINGS. Certificate of Service: 04/11/2025. (RGF)
04/11/2025	<u>55</u> notification	723	NOTIFICATION filed by Mr. Dennis Philipson regarding ORDER GRANTING PLAINTIFF'S SECOND MOTION FOR CONTEMPT FOR VIOLATING PERMANENT INJUNCTION filed in District court Certificate of Service: 04/11/2025. (RGF)
04/11/2025	<u>56</u> notification	725	NOTIFICATION filed by Mr. Dennis Philipson regarding GMAIL Followup on Emergency Filings. Certificate of Service: 04/11/2025. (RGF)
04/11/2025	<u>57</u> notification	728	NOTIFICATION filed by Mr. Dennis Philipson regarding GMAIL -- Case No. 2:23-cv-02186 Proposed Order re Second Motion for Contempt. Certificate of Service: 04/11/2025. (RGF)
04/11/2025	<u>58</u> notification	730	NOTIFICATION filed by Mr. Dennis Philipson regarding Notice to the Court – Submission of Communications Related to Proposed Order for Contempt and Retaliatory Conduct. Certificate of Service: 04/11/2025. (RGF)
04/14/2025	<u>59</u> Letter	733	Miscellaneous letter sent regarding documents filed by Mr. Philipson (RGF)
04/14/2025	<u>60</u> notification	734	NOTIFICATION filed by Mr. Dennis Philipson regarding NOTICE in response to Clerk's Letter dated April 14, 2025.. Certificate of Service: 04/14/2025. (RGF)
04/14/2025	<u>61</u> notification	738	NOTIFICATION filed by Mr. Dennis Philipson regarding Procedural Clarification, Ethics Reporting, and Emergency Motion Process. Certificate of Service: 04/14/2025. (RGF)
04/14/2025	<u>62</u> notification	744	NOTIFICATION filed by Mr. Dennis Philipson regarding Re: Questions About Emergency Motion and Ethics Reporting Mechanism from the Fifth Circuit. Certificate of Service: 04/14/2025. (RGF)
04/14/2025	<u>63</u> notification	749	NOTIFICATION filed by Mr. Dennis Philipson regarding Supplemental Notice to the Court's – CA5 RESPONSE. Certificate of Service: 04/14/2025. (RGF)
04/14/2025	<u>64</u> notification	755	NOTIFICATION filed by Mr. Dennis Philipson regarding Supplemental Re: Questions About Emergency Motion and Ethics Reporting Mechanism from the Fifth Circuit. Certificate of Service: 04/14/2025. (RGF)
04/15/2025	<u>65</u> notification	760	NOTIFICATION filed by Mr. Dennis Philipson regarding GMAIL -- . To the U.S. District Court for the Western District of Tennessee and the U.S. Court of Appeals for the Sixth Circuit: Attn: Chief Judge Sheryl H. Lipman and Chief Judge Jeffrey S. Sutton Certificate of Service: 04/15/2025. (RGF)
04/15/2025	<u>66</u> notification	762	NOTIFICATION filed by Mr. Dennis Philipson regarding NOTICE OF FILING – COMMUNICATION REGARDING CASE STATUS, JUDICIAL INACTION, AND ONGOING CONSTITUTIONAL VIOLATIONS

			Certificate of Service: 04/15/2025. (RGF)
04/22/2025	<u>67</u> notification	765	NOTIFICATION filed by Mr. Dennis Philipson regarding RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE filed in District Court. Certificate of Service: 04/22/2025. (RGF)
04/22/2025	<u>68</u> notification	771	NOTIFICATION filed by Mr. Dennis Philipson regarding NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025 AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS. Certificate of Service: 04/22/2025. (RGF)
04/22/2025	<u>69</u> notification	774	NOTIFICATION filed by Mr. Dennis Philipson regarding RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE. Certificate of Service: 04/22/2025. (RGF)
04/22/2025	<u>70</u> notification	780	NOTIFICATION filed by Mr. Dennis Philipson regarding NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025 AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS. Certificate of Service: 04/22/2025. (RGF)
04/22/2025	<u>71</u> notification	783	NOTIFICATION filed by Mr. Dennis Philipson regarding RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE. Certificate of Service: 04/22/2025. (RGF)
04/23/2025	<u>72</u> notification	789	NOTIFICATION filed by Mr. Dennis Philipson regarding KAPPELLS ORDER. Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>73</u> notification	802	NOTIFICATION filed by Mr. Dennis Philipson regarding GMAIL – Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Order on Motion for Miscellaneous Relief. Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>74</u> notification	803	NOTIFICATION filed by Mr. Dennis Philipson regarding RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE. Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>75</u> notification	809	NOTIFICATION filed by Mr. Dennis Philipson regarding NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025 AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS. Certificate of Service: 04/23/2025. (RGF)

04/23/2025	<u>76</u> district court document filed	812	Copy of from district court filed. RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE To the (RGF)
04/23/2025	<u>77</u> notification	818	NOTIFICATION filed by Mr. Dennis Philipson regarding NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025 AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS. Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>78</u> district court document filed	821	Copy of from district court filed. RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE (RGF)
04/23/2025	<u>79</u> district court document filed	827	Copy of from district court filed.OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163):FORMAL PROTEST TO AN UNLAWFUL AND RETALIATORY COURT ACTION, JUDICIAL ABUSE OF PROCESS, AND CONTINUING VIOLATIONS OF CONSTITUTIONAL AND STATUTORY RIGHTS (RGF)
04/23/2025	<u>80</u> notification	834	NOTIFICATION filed by Mr. Dennis Philipson regarding Fwd: OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OFSETTING (ECF NO. 163):. Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>81</u> notification	836	NOTIFICATION filed by Mr. Dennis Philipson regarding NOTICE OF FILING AND SUPPLEMENTAL RECORD REFERENCE REGARDING LOWER COURT MISCONDUCT, NON-COMPLIANCE, AND WHISTLEBLOWER DISCLOSURE. Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>82</u> district court document filed	840	Copy of from district court filed. OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163):FORMAL PROTEST TO AN UNLAWFUL AND RETALIATORY COURT ACTION, JUDICIAL ABUSE OF PROCESS, AND CONTINUING VIOLATIONS OF CONSTITUTIONAL AND STATUTORY RIGHTS (RGF)
04/23/2025	<u>83</u> notification	847	NOTIFICATION filed by Mr. Dennis Philipson regarding Fwd: Notice of Non-Compliance and Objection to May 9 Hearing Case No. 2:23-cv-02186. Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>84</u> notification	848	NOTIFICATION filed by Mr. Dennis Philipson regarding. Additional Whistleblower Complaints Certificate of Service: 04/23/2025. (RGF)
04/23/2025	<u>85</u> miscellaneous letter sent	853	Letter sent to Mr. Philipson: This letter is to advise you that receipt of emails from mikeydphilips@gmail.com has been blocked for all Sixth Circuit Court of Appeals recipients,

			including the pro se email inbox, due to abuse. You may direct any necessary filings in paper to the physical address listed above. Your case number should be clearly listed on all case filings. (RGF)
04/25/2025	86 (RESTRICTED) Document(s) not accessible		NOTIFICATION filed by Mr. Dennis Philipson regarding DOCKET SUBMISSION PART ONE. Certificate of Service: 04/25/2025. (RGF)
04/25/2025	87 (RESTRICTED) Document(s) not accessible		NOTIFICATION filed by Mr. Dennis Philipson regarding DOCKET SUBMISSION PART TWO. Certificate of Service: 04/25/2025. (RGF)
04/29/2025	88 (RESTRICTED) Document(s) not accessible		NOTIFICATION filed by Mr. Dennis Philipson regarding Notice of Filing – Protective Statement. Dennis Michael Philipson, Pro Se Appellant, respectfully provides notice of the filing of additional materials for record preservation in this matter. The attached submission consists of a Protective Statement and supporting exhibits documenting constitutional, statutory, and procedural violations arising from proceedings in the United States District Court for the Western District of Tennessee and pending appeal before this Court. Certificate of Service: 04/29/2025. (RGF)
04/30/2025	<u>89</u>		NOTIFICATION filed by Mr. Dennis Philipson regarding Response to to April 30, 2025 district court order. Certificate of Service: 04/30/2025. (RGF)
	89 (RESTRICTED) notification Document not accessible		
	<u>89</u> exhibit A Order affirming May 9 2025 show cause hearing will proceed	854	
	89 (RESTRICTED) Response to April 30 2025 ord and demand for immediate action Document not accessible		
	89 (RESTRICTED) Email to Judges and Response to Order Document not accessible		
	<u>89</u> Email to TNWD Clerk office with response to order	857	

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: December 03, 2024

Mr. Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

Re: Case No. 24-6082, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*
Originating Case No. : 2:23-cv-02186

Dear Sir,

This appeal has been docketed as case number **24-6082** 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 **December 17, 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 **December 17, 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.

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

Sincerely yours,

s/Roy G. Ford
Case Manager
Direct Dial No. 513-564-7016

cc: Mr. John S. Golwen
Ms. Paige Waldrop Mills
Ms. Jordan Elizabeth Thomas

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 24-6082

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

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

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FOR THE SIXTH CIRCUIT**Appearance of Counsel**Appeal No.: **24-6082**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, Suite 1300**City/State/Zip: **Memphis, TN 38103**Telephone Number (Area Code): **(901) 543-5903**Email Address: **jgolwen@bassberry.com**

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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**Appearance of Counsel**Appeal No.: **24-6082**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

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☐ 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:**

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Attorney Name: **Paige W. Mills** Signature: s/ **Paige W. Mills**Firm Name: **Bass, Berry & Sims PLC**Business Address: **150 3rd Ave. South, Suite 2800**City/State/Zip: **Nashville, TN 37201**Telephone Number (Area Code): **(615) 742-6200**Email Address: **pmills@bassberry.com**

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**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT COMMUNITIES, INC.,)	MOTION FOR REASONABLE
	)	ACCOMMODATION AND
Plaintiff-Appellee,	)	REGULATED INTERACTION WITH
	)	PLAINTIFF APPELLEE'S COUNSEL
v.)	
)	
DENNIS MICHAEL PHILIPSON,)	
)	
Defendant-Appellant		

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 10th day of December
2024.**

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeydPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December 10, 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

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KELLY L. STEPHENS, Clerk

Exhibit A



Dennis Philipson



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<https://www.linkedin.com/dennis-philipson-a82727251>

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 Cmtys. v. Philipson, 2:23-cv-2186- ...

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In Re: Dennis Philipson (2:23-mc-00015), Tennessee ...

Apr 17, 2023 — In Re: **Dennis Philipson** ; Judge: Sheryl H Lipman ; Referred: Annie T Christoff ; Case #:, 2:23-mc-00015 ; Cause, No cause code entered ; Terminated: ...



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Dennis Philipson, Defendant **Dennis Philipson**, Interested Party Mid-America Apartment Communities, Inc., Plaintiff. Skip back to top. Browse. A to Z · Category ...



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May 6, 2024 – MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff, v. **DENNIS MICHAEL PHILIPSON**, Defendant. SHERYL H. LIPMAN, CHIEF UNITED STATES DISTRICT JUDGE.



<https://www.pacermonitor.com/public/case/MidA...>



Jul 9, 2024 – Mid-America Apartment Communities, Inc. v. **Dennis Philipson** ; Tuesday, July 09, 2024 ; The case manager for this case is: Virginia Padgett (VLP).



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May 6, 2024 · Pro se Defendant **Dennis** Michael **Philipson** did not respond to the motion and his time to do so has passed. Mr. **Philipson** has made a habit of failing to respond to Plaintiff's motio...

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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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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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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.

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

WEB 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 ...



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Dennis Philipson

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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...

<https://casetext.com/case/mid-am-apartment-cmtys-v-philipson-3>

Mid-Am. Apartment Cmtys. v. Philipson - Casetext

May 6, 2024 · Pro se Defendant Dennis Michael Philipson did not respond to the motion and his time to do so has passed. Mr. Philipson has made a habit of failing to respond to Plaintiff's motions and numerous Court orders in this case, and has failed to attend multiple hearings, both in-person and...

<https://casetext.com/case/mid-america-apartment-cmtys-v-philipson>

Mid-America Apartment Cmtys. v. Philipson - Casetext

Nov 6, 2023 · A federal court opinion denying a motion to dismiss a lawsuit filed by a property management company against a former employee who allegedly harassed and defamed it. The lawsuit claims trademark infringement, unfair competition, defamation, and other causes of action.

<https://casetext.com/case/mid-am-apartment-cmtys-v-philipson-2>

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...

<https://dockets.justia.com/docket/tennessee/tnwdce/2:2023cv02186/98459>

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...

<https://www.leagle.com/decision/infdco20240624g39>

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...

<https://dockets.justia.com/docket/circuit-courts/ca6/24-5614>

Mid-America Apartment Communities, Inc. v. Dennis Philipson

Jul 9, 2024 · Filing 4 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) [Entered: 07/10/2024 01:47 PM] July 9, 2024: Filing 3 ...

https://www.pacermonitor.com/public/case/48380547/MidAmerica_Apartment_Communiti...

Mid-America Apartment Communities, Inc. v. DOE-1 et al

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

<https://unicourt.com> > case > pc-db5-casegu4c936c35ead4-1453167

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.

<https://cases.justia.com> > federal > district-courts > tennessee > tnwdce > 2:2023cv02186 > 9845...

Before the Court is pro se Defendant Dennis Michael Philipson's ...

DENNIS MICHAEL PHILIPSON,)) Defendant.) ORDER DENYING MOTION TO COMPEL AND MOTION FOR EXPEDITED DISCOVERY OF SUBPOENA RESPONSES AND ITEMIZATION OF DAMAGES Before the Court is pro se Defendant Dennis Michael Philipson's amended Motion to Compel Production of...

2

<https://www.facebook.com> > public > Dennis-Philipson

Dennis Philipson Profiles | Facebook

Dennis Philips. See Photos. Heraklion, Greece. Dennis Philips. See Photos. Denis Philippin. See Photos. View the profiles of people named Dennis Philipson. Join Facebook to connect with Dennis Philipson and others you may know.

<https://www.linkedin.com> > in > dontworryfriends

Dennis Philipson - EVP of Sexual Harassment & Racial ... - LinkedIn

Dennis Philipson I will help you with all your pest, insurance and sexual harassment needs!! Germantown, TN. **Dennis Philipson** EVP of Finance Germantown, TN. 12 others named Dennis Philipson in ...

<https://www.linkedin.com> > in > dennis-philipson-apartments

Dennis Philipson - EVP of Fumigation - LinkedIn

Dennis Philipson I will help you with all your pest, insurance and sexual harassment needs!! EVP of Fumigation at Deplorable Apartment Homes View profile View profile badges ...

<https://casetext.com> > case > mid-am-apartment-cmtys-v-philipson

Mid-Am. Apartment Cmtys. v. Philipson - Casetext

Sep 7, 2023 · A federal court order denying a motion to reschedule a scheduling conference in a case involving a pro se defendant and a landlord. The defendant claimed he needed more time due to his son's birth and hospital stay, but the court found no good cause.

<https://www.facebook.com> > denisphillipsweatherman

Denis Phillips - Facebook

Denis Phillips. 619,327 likes · 70,270 talking about this. Suspender/"Dad Shoe" wearing Chief Meteorologist.

<https://www.linkedin.com> > pub > dir > Dennis > Philipson

10+ "Dennis Philipson" profiles | LinkedIn

View the profiles of professionals named "Dennis Philipson" on LinkedIn. There are 10+ professionals named "Dennis Philipson", who use LinkedIn to exchange information, ideas, and opportunities.

<https://dockets.justia.com> > browse > circuit-6 > court-ca6 > noscat-10

U.S. Court of Appeals, Sixth Circuit Intellectual Property Cases

Jul 9, 2024 · defendant: kentucky colonels international, globcal international, ecology crossroads cooperative foundation, inc. and others

<https://www.linkedin.com/in/dennis-philipson-050370ab>

Dennis Philipson - Lead Personal Trainer - Ed's Fat Kamp - LinkedIn

Dennis Philipson I will help you with all your pest, insurance and sexual harassment needs!!
Germantown, TN. Dennis Philipson EVP of Finance Germantown, TN. Dennis Philipson ...

<https://www.eannacefuneralhome.com/obituaries/Dennis-Wojcik/#!> TributeWall

www.eannacefuneralhome.com

Dennis Philipson - May 10 at 01:19 PM Comment. Share Share this post on Facebook Share this post on Twitter. Remove this post. Write a comment... Share Cancel. Beautiful in Blue was purchased for the family of Mr. Dennis John Wojcik. May 10 at 12:52 PM BUY NOW. DP. 1 file added to the album Memories

<https://au.linkedin.com/in/dennis-philipson-708592b3>

Dennis Philipson - The Rock Show (DRW Branch) | LinkedIn

View Dennis Philipson's profile on LinkedIn, a professional community of 1 billion members. Experience: The Rock Show (DRW Branch) · Location: Greater Melbourne Area. View Dennis Philipson's profile on LinkedIn, a professional community of 1 billion members.

<https://www.linkedin.com/in/dennis-philipson-00b100a8>

Dennis Philipson - Founder - Dillite Supply | LinkedIn

Dennis Philipson I will help you with all your pest, insurance and sexual harassment needs!!
Germantown, TN. Dennis Philipson President at Fairy Queen Clothing ...

<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



10+ Results for "Dennis Philipson"



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
Parkens Elementary School



Dennis Philipson
Embellished Water & Flood Damage
Germantown, TN
Faux Water Restoration & Fake Flooding Inc



Dennis Philipson
Specialize in all your FAKE Insurance needs!
Germantown, TN
REIT Faux Casualty Insurance L.P. & Inc.
B.S. University



Dennis Philipson
--
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

RECEIVED

12/10/2024

KELLY L. STEPHENS, Clerk


**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 15:1114 Trademark Infringement	NAME OF DISTRICT COURT U.S. District Court Western District of Tennessee (Memphis)	DISTRICT COURT CASE NUMBER #: 2:23-cv-02186-SHL-cgc
COURT OF APPEALS CASE NUMBER 24-6082	DATE NOTICE OF APPEAL FILED BY CLERK OF DISTRICT COURT 12/02/2024	
	COURT REPORTER Candace Covey	NAME OF ORDERING PARTY Dennis Philipson

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

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 12/10/2024

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

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: December 10, 2024

Mr. Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

Re: Case No. 24-6082, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*
Originating Case No. : 2:23-cv-02186

Dear Sir,

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 **January 22, 2025**

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 **February 24, 2025**

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/Roy G. Ford
Case Manager
Direct Dial No. 513-564-7016

cc: Mr. John S. Golwen
Ms. Paige Waldrop Mills

Enclosure

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

Case Number: 24-6082 RGF

Case Name: MID-AMERICA APARTMENT COMM V DENNIS PHILIPSON

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.: **24-6082**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: **Jordan E. Thomas** Signature: s/ **Jordan E. Thomas**Firm Name: **Bass, Berry & Sims PLC**Business Address: **100 Peabody Place, Suite 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.

Roy Ford

From: CA06_Pro_Se_Efiling
Sent: Monday, December 23, 2024 7:37 AM
To: Roy Ford
Subject: FW: Notice to Appeal - Case No.: 2:23-cv-02186-SHL-cgc

24-6082

Roy, please place on your docket as correspondence.
thanks

RECEIVED
12/02/2023
KELLY L. STEPHENS, Clerk

From: mikeydphilips@gmail.com <mikeydphilips@gmail.com>
Sent: Monday, December 2, 2024 12:14 PM
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>
Cc: IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>; 'Mikey D' <mikeydphilips@gmail.com>
Subject: RE: Notice to Appeal - Case No.: 2:23-cv-02186-SHL-cgc

CAUTION - EXTERNAL:

Just to add to my last email, I believe that since December 1st was a Sunday, the deadline would be extended to the next business day, which is today, December 2nd. Under Federal Rule of Appellate Procedure 26(a), deadlines that fall on a weekend or holiday roll over to the next business day. Therefore, if the appeal period ends on November 30 (30 days after November 1), the final day to file would indeed be Monday, December 2, 2024.

From: mikeydphilips@gmail.com <mikeydphilips@gmail.com>
Sent: Monday, December 2, 2024 12:11 PM
To: ca06_pro_se_efiling@ca6.uscourts.gov
Cc: 'Mikey D' <mikeydphilips@gmail.com>; IntakeTNWD@tnwd.uscourts.gov
Subject: Notice to Appeal - Case No.: 2:23-cv-02186-SHL-cgc

Dear Sixth Circuit Court of Appeals Clerk of the Court,

I am writing to notify you of my intention to appeal the judgment issued on November 1, 2024, by the United States District Court for the Western District of Tennessee in case number 2:23-cv-02186-SHL-cgc. I have just returned from traveling and received two letters from the Western Tennessee Court, dated November 4, 2024, that were sent to an incorrect physical address, despite my prior updates to the court regarding my current contact information.

The letters referenced the judgment and related orders. Due to the delay in receiving these documents, I am now in the process of filing my intent to appeal, paying the necessary fees, and completing all required steps to proceed.

Please find the judgment and notice to appeal attached for your reference. If there are any additional steps required or questions regarding this matter, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,
Dennis Michael Philipson
Defendant-Appellant, Pro Se
6178 Castletown Way
Alexandria, VA 22310

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

RECEIVED

01/03/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE OF CONTACT
INFORMATION AND INQUIRY
INQUIRY REGARDING DOCKETED
DOCKETED "CORRESPONDANCE"

To the Clerk of Court and all parties of record,

I, Dennis Philipson, hereby notify the Court and counsel of record of the following contact information for purposes of all future correspondence and case-related communications in the above-captioned case:

1. **Mailing Address (Unchanged):**

6178 Castletown Way
Alexandria, VA 22310

2. **Phone Number:**

(949) 432-6184

3. **Email Address:**

mikeydphilips@gmail.com

In addition, I respectfully request that I continue to receive case-related notifications both via U.S. mail and electronically, including PACER notifications for docket entries, filings, and court decisions. This request is consistent with my Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel filed on December 10, 2024.

To date, I am unaware of any review or decision on my requested reasonable accommodation. As such, I am including this notice as part of my pending motion for reasonable accommodation to confirm that this contact information remains current and up to date for purposes of communication by the Clerk's Office and opposing counsel.

Additionally, I respectfully seek clarification from the Clerk's Office regarding the docket entry of an email dated December 2, 2024, (Dkt #11) which was subsequently uploaded to the official case record as "correspondence" 21 days later. Specifically, I request an explanation as to:

1. The individual or office responsible for initiating the submission of this email to the docket;
2. The reason for classifying the email as official correspondence and placing it in the official case record;
3. The rationale for the delayed upload to the docket.

As the email in question was not intended to constitute an official filing, I respectfully request guidance regarding any procedural or administrative concerns that led to its inclusion in the case record and whether any further clarification or corrective measures are necessary.

Please update the Court's records accordingly, and should further action be required, please inform me promptly.

Dated this 3rd day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January 2025, a true and correct copy of the foregoing Notice of Change and Confirmation of Contact Information was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT COMMUNITIES, INC.,)	
)	
Plaintiff-Appellee,	)	Correspondence to Clerks Office, Pro Se
	)	Email, Case Manager, Judges of
v.	)	Court Regarding previous submissions
	)	(January 9, 2025)
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant		

Hello Clerks Office,

I hope you're well. I realize that today is President Carter's National Day of Mourning and wanted to acknowledge this in case it impacts response times. I left voicemails with both the Clerk's Office and the Circuit Executive requesting a call back. Maybe my previous emails were not received due to potential issues with the court's email server?

To ensure my filings are received, I will be sending express mailings tonight to both the Clerk's Office and the judges, containing my motions and correspondence that I previously attempted to submit electronically. I just want to ensure all parties at the court receive them in a timely manner. I will send the Motion for Reasonable Accommodation (Docket #5), December 2, 2024 email (added as Docket Entry #11), PACER email update inquiry, December 30, 2024 email submission, regulated communication request regarding opposing counsel, January 3, 2025 PDF resubmission, procedural inquiries regarding case manager contact and Clerk's Office email.

I've attached a copy of this correspondence for reference and inclusion in the docket. I will share the tracking information as soon as I receive it.

Thank you again for your assistance and understanding as I navigate this extremely difficult process.

Sincerely,

Dennis Philipson

Dated this 9th day of January 2025.

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way - Alexandria, VA 22310

Certificate of Service

I hereby certify that on January 9, 2025, a true and correct copy of the foregoing Notice of Appeal was served via PACER, pending upload from [CA06 Pro Se Efiling@ca6.uscourts.gov](mailto:CA06_Pro_Se_Efiling@ca6.uscourts.gov) & Case Manager upon the following counsel for Plaintiff-Appellee:

Paige Waldrop Mills, BPR No. 016218
BASS, BERRY & SIMS PLC
Suite 2800
150 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

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant-Appellant



/s/ *Dennis Michael Philipson*
Dennis Michael Philipson
Defendant, Pro Se

RECEIVED

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
949-432-6184

mikeydphilips@gmail.com

JAN 14 2025

KELLY L. STEPHENS, Clerk

January 9, 2025

Clerk of Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

Re: Case No. 24-6082 – Request to Update Docket, Address, and Contact Information

Dear Clerk of Court,

I am writing to request the following updates for Case No. 24-6082:

1. Docket Updates:

Please see the enclosed communications and motions for addition to the docket. These include prior submissions sent via email to the Pro Se inbox that may not have been received or uploaded.

2. Contact Information Update:

- o Email: mikeydphilips@gmail.com
- o Phone: 949-432-6184
- o Address: 6178 Castletown Way, Alexandria, VA 22310-1634

3. Status of Motion for Reasonable Accommodation:

Please provide an update regarding the review of my Motion for Reasonable Accommodation (submitted December 10, 2024).

Thank you for your assistance. Please confirm receipt of this letter and the addition of the enclosed documents to the docket.

Sincerely,
Dennis Philipson

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence



Dee Philips <mikeydphilips@gmail.com>

Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

Dee Philips <mikeydphilips@gmail.com>
To: Dee Philips <mikeydphilips@gmail.com>

Thu, Jan 9, 2025 at 10:25 PM

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

From: **Dee Philips** <mikeydphilips@gmail.com>
Date: Thu, Jan 9, 2025 at 3:47 PM
Subject: Re: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence
To: <Roy.Ford@ca6.uscourts.gov>, <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>, <Mandy.Shoemaker@ca6.uscourts.gov>, <Kelly.Stephens@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>

Hello Clerks Office,

I hope you're well. I realize that today is President Carter's National Day of Mourning and wanted to acknowledge this in case it impacts response times. I left voicemails with both the Clerk's Office and the Circuit Executive requesting a call back. Maybe my previous emails were not received due to potential issues with the court's email server?

To ensure my filings are received, I will be sending express mailings tonight to both the Clerk's Office and the judges, containing my motions and correspondence that I previously attempted to submit electronically. I just want to ensure all parties at the court receive them in a timely manner. I will send the Motion for Reasonable Accommodation (Docket #5), December 2, 2024 email (added as Docket Entry #11), PACER email update inquiry, December 30, 2024 email submission, regulated communication request regarding opposing counsel, January 3, 2025 PDF resubmission, procedural inquiries regarding case manager contact and Clerk's Office email.

I've attached a copy of this correspondence for reference and inclusion in the docket. I will share the tracking information as soon as I receive it.

Thank you again for your assistance and understanding as I navigate this extremely difficult process.

Sincerely,
Dennis Philipson

On Wed, Jan 8, 2025 at 2:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

Dear Ms. Stephens, Ms. Shoemaker, Mr. Ford, and the Clerk's Office,

I am following up on unresolved matters in Case #24-6082 and reiterating my concerns about procedural obstacles related to electronic submissions and notifications.

I submitted my Motion for Reasonable Accommodation (Docket #5) on December 10, 2024. Could you please provide an update on when this motion will be reviewed? The outcome is critical to ensuring that I can submit documents and meet filing deadlines.

I have also requested confirmation that my email address (mikeydphilips@gmail.com) has been updated in PACER so I can receive case notifications.

Regarding Docket Entry #11, my December 2, 2024 email was added to the docket as "correspondence" on December 23, 2024 without a PDF attachment or my consent. I would appreciate clarification on the following:

- Who authorized this submission?
- Why was it classified as docket correspondence?

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

- Why was there a 21-day delay in uploading it, and why was this particular correspondence uploaded while others were not? I also seem to have ongoing issues getting other correspondence uploaded in a timely manner.

On January 3, 2025, I received an email stating:

"No action will be taken from this email, as no PDF pleading was attached. All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail."

In response, I resubmitted my correspondence as PDFs via the Pro Se E-filing email but have received no confirmation of their inclusion in the docket. This process has made it difficult to submit documents and receive timely updates despite my request for reasonable accommodation. Additionally, having to submit documents by mail causes unjust delays and further impacts my ability to meet important deadlines.

To avoid any misunderstandings, I prefer not to communicate by phone and request that all correspondence with the court be properly documented in writing.

Although opposing counsel has not contacted me since I reminded them in late December 2024 not to do so due to past experiences, I believe my request for regulated interaction should still be reviewed to prevent any future issues. My Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel (filed in Case #24-5614) was prompted by prior experiences involving what I perceived as excessive and distressing communication. These challenges highlight the importance of written communication and minimal reliance on phone calls for procedural updates to ensure a transparent and documented process.

Additionally, could you clarify who manages the Pro Se E-filing inbox? Is it handled by the Clerk's Office staff, staff attorneys, or another department? Understanding this may help clarify any delays and improve communication going forward.

While I await confirmation of electronic filing capabilities, I will continue sending physical copies of my submissions to avoid further delays. Please confirm that my attached documents have been included in the docket and address the questions listed above.

Thank you for your attention to these issues. I look forward to your prompt response.

Sincerely,
Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310-1634

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

From: **Dee Philips** <mikeydphilips@gmail.com>

Date: Tue, Jan 7, 2025 at 11:02 AM

Subject: Docket Submission, Case Update, and PACER Email Confirmation

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>

Cc: Dee Philips <mikeydphilips@gmail.com>

Good Morning,

I hope this message finds you well.

I am following up to confirm that the attached documents have been added to the docket for Docket #24-6082. Could you kindly verify their inclusion? Additionally, I would appreciate an update from Roy regarding the timeline for when my Motion for Reasonable Accommodation (Docket #5, filed 12/10/2024) will be reviewed. Please forward this email to the appropriate contacts if necessary.

Further, could you confirm whether my email address has been updated in PACER? Ensuring my contact information is correct is essential for receiving timely case notifications and updates.

Thank you for your assistance and attention to these matters.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025 at 8:41 AM Dee Philips <mikeydphilips@gmail.com> wrote:

Dear Court,

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

May I ask why my correspondence from December 2nd was added to the docket (#11) without a PDF attachment or my prior consent? I noticed that the email instructing Roy to make this addition was sent from the Pro Se email box.

Please add the attached PDF correspondence to the docket as a formal submission of correspondence.

Additionally, I respectfully request that all communication with the court be in writing. To ensure timely and accurate correspondence, please provide electronic means to communicate with the clerk and the assigned case manager, including an email address for inquiries regarding procedural matters.

Thank you for your time and attention to this request. I look forward to your confirmation.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025, 7:23 AM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken from this email, as no PDF pleading was attached.

All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail.

From: Dee Philips <mikeydphilips@gmail.com>
Sent: Thursday, January 2, 2025 7:18 PM
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>
Subject: Please Add Correspondence for Docket #: 24-6082.

CAUTION - EXTERNAL:

Good evening,

Please include this correspondence and the prior communication from 12/30/24 in Docket #: 24-6082.

1. When will my request for reasonable accommodation, submitted on 12/10/2024 (Docket #5), be reviewed by the court? It is critical for me to ensure I can meet deadlines, given the immense amount of learning and research required for my appellant brief.
2. I previously inquired about the procedures for updating my email address with the court, as I was unable to locate the relevant procedure or form online. Ensuring my email is updated will allow me to receive timely and accurate updates from PACER.
3. I am requesting the contact information for the case manager assigned to this docket for purposes of electronic correspondence.
4. Is there a dedicated email address for the Clerk's Office to address general inquiries (excluding legal questions)?

Thank you,
Dennis Philipson

On Mon, Dec 30, 2024 at 12:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

Hello,

I am writing to respectfully inquire about the status of my Motion for Reasonable Accommodation, which I recently filed in the above-referenced case. Specifically, I would appreciate an update on when the Court anticipates reviewing this motion, as its resolution is critical to ensuring my meaningful participation in the appellate process.

Additionally, I am seeking clarification on the appropriate procedure for contacting the assigned case manager. If you are unable to provide this information directly, I kindly request that this inquiry be forwarded to the appropriate individual or department for further assistance.

I would also like to respectfully note that the Court's compliance with the Americans with Disabilities Act (ADA) ensures accessibility and equitable participation in judicial proceedings. Pursuant to the ADA, courts are required to provide reasonable accommodations to individuals with disabilities to eliminate barriers to justice. Furthermore, the Sixth Circuit's adherence to federal procedural rules underscores the importance of timely consideration of such requests to uphold these fundamental principles.

I appreciate your time and assistance in this matter and look forward to your response.

Thanks,

Dennis Philipson

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.



01-09-2025 - 24-6082 - Correspondence to Clerks Office, Pro Se Email, Case Manager, Judges of Court
Regarding previous submissions, USPS Express Mailings.pdf
98K

For Docket

Page 1 of 3

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

)
)
) NOTICE OF CONTACT
) INFORMATION AND INQUIRY
) INQUIRY REGARDING DOCKETED
) DOCKETED "CORRESPONDANCE"

To the Clerk of Court and all parties of record,

I, Dennis Philipson, hereby notify the Court and counsel of record of the following contact information for purposes of all future correspondence and case-related communications in the above-captioned case:

1. **Mailing Address (Unchanged):**

6178 Castletown Way
Alexandria, VA 22310

2. **Phone Number:**

(949) 432-6184

3. **Email Address:**

mikeydphilips@gmail.com

In addition, I respectfully request that I continue to receive case-related notifications both via U.S. mail and electronically, including PACER notifications for docket entries, filings, and court decisions. This request is consistent with my Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel filed on December 10, 2024.

To date, I am unaware of any review or decision on my requested reasonable accommodation. As such, I am including this notice as part of my pending motion for reasonable accommodation to confirm that this contact information remains current and up to date for purposes of communication by the Clerk's Office and opposing counsel.

Additionally, I respectfully seek clarification from the Clerk's Office regarding the docket entry of an email dated December 2, 2024, (Dkt #11) which was subsequently uploaded to the official case record as "correspondence" 21 days later. Specifically, I request an explanation as to:

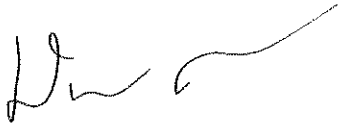
1. The individual or office responsible for initiating the submission of this email to the docket;
2. The reason for classifying the email as official correspondence and placing it in the official case record;
3. The rationale for the delayed upload to the docket.

Page 2 of 3

As the email in question was not intended to constitute an official filing, I respectfully request guidance regarding any procedural or administrative concerns that led to its inclusion in the case record and whether any further clarification or corrective measures are necessary.
Please update the Court's records accordingly, and should further action be required, please inform me promptly.

Dated this 3rd day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson



Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January 2025, a true and correct copy of the foregoing Notice of Change and Confirmation of Contact Information was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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

Add to Docket

Page 1 of 3

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

)
)
) NOTICE OF CONTACT
) INFORMATION AND INQUIRY
) INQUIRY REGARDING DOCKETED
) DOCKETED "CORRESPONDANCE"

To the Clerk of Court and all parties of record,

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6178 Castletown Way
Alexandria, VA 22310

2. **Phone Number:**

(949) 432-6184

3. **Email Address:**

mikeydphilips@gmail.com

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To date, I am unaware of any review or decision on my requested reasonable accommodation. As such, I am including this notice as part of my pending motion for reasonable accommodation to confirm that this contact information remains current and up to date for purposes of communication by the Clerk's Office and opposing counsel.

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1. The individual or office responsible for initiating the submission of this email to the docket;
2. The reason for classifying the email as official correspondence and placing it in the official case record;
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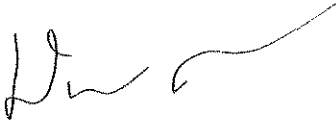
Page 2 of 3

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Please update the Court's records accordingly, and should further action be required, please inform me promptly.

Dated this 3rd day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson



Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

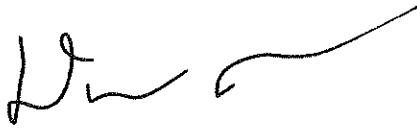
CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January 2025, a true and correct copy of the foregoing Notice of Change and Confirmation of Contact Information was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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

Add to Docket

Page 1 of 3

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

)
)
) Correspondence to Clerks Office, Pro Se
) Email, Case Manager, Judges of
) Court Regarding previous submissions
) (January 9, 2025)
)

Hello Clerks Office,

I hope you're well. I realize that today is President Carter's National Day of Mourning and wanted to acknowledge this in case it impacts response times. I left voicemails with both the Clerk's Office and the Circuit Executive requesting a call back. Maybe my previous emails were not received due to potential issues with the court's email server?

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I've attached a copy of this correspondence for reference and inclusion in the docket. I will share the tracking information as soon as I receive it.

Page 2 of 3

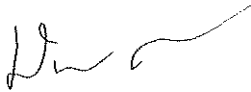
Thank you again for your assistance and understanding as I navigate this extremely difficult process.

Sincerely,

Dennis Philipson

Dated this 9th day of January 2025.

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in black ink, appearing to read 'Dennis', followed by a long, sweeping horizontal line.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way - Alexandria, VA 22310

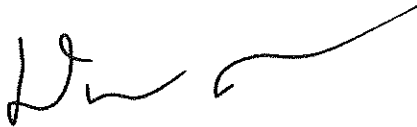
Certificate of Service

I hereby certify that on January 9, 2025, a true and correct copy of the foregoing Notice of Appeal was served via PACER, pending upload from CA06 Pro Se Efiling@ca6.uscourts.gov & Case Manager upon the following counsel for Plaintiff-Appellee:

Paige Waldrop Mills, BPR No. 016218
BASS, BERRY & SIMS PLC
Suite 2800
150 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

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant-Appellant

A handwritten signature in black 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

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FLAT RATE ENVELOPE
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how2recycle.info

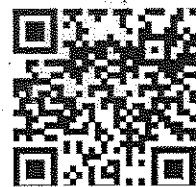


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on the QR code.



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	US COURT OF APPEALS FOR SIXTH CIRCUIT CLERK OF COURT 100 E 5TH ST CINCINNATI OH 45202-3905		
USPS TRACKING #			
9481 7301 0935 5000 2197 00			

UNITED STATES



how2recycle



Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
949-432-6184
mikeydphilips@gmail.com

RECEIVED

JAN 14 2025

KELLY L. STEPHENS, Clerk

January 9, 2025

Chief Judge Jeffrey S. Sutton
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

Re: Request for Court Review of Motion for Reasonable Accommodation (Case No. 24-6082) and
Concerns Regarding Retaliatory Proceedings

Dear Chief Judge Sutton,

I am writing to respectfully request that the court ensure my Motion for Reasonable Accommodation, submitted on December 10, 2024, is reviewed without further delay. Despite my multiple follow-ups, I have not received any indication of when the motion will be considered, nor has the court provided any timeline for its review.

I also urge the court to thoroughly review the underlying case and the appellate proceedings. This is not a legitimate infringement case—it is a retaliatory action by MAA aimed at accessing evidence I provided to government agencies and obstructing justice. The proceedings thus far have felt like a prolonged and unjust process rather than an attempt to resolve a genuine legal dispute.

The lack of clarity on when my motion will be addressed compounds the challenges I face in navigating these complex proceedings. I believe this situation warrants the court's careful oversight to ensure that judicial processes are not being misused for retaliatory purposes.

Thank you for your attention to these issues. I respectfully request confirmation of when my motion will be reviewed and that appropriate action is taken to ensure fairness in this matter.

Sincerely,
Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310-1634

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
949-432-6184
mikeydphilips@gmail.com

January 9, 2025

Clerk of Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

Re: Case No. 24-6082 – Request to Update Docket, Address, and Contact Information

Dear Clerk of Court,

I am writing to request the following updates for Case No. 24-6082:

1. Docket Updates:

Please see the enclosed communications and motions for addition to the docket. These include prior submissions sent via email to the Pro Se inbox that may not have been received or uploaded.

2. Contact Information Update:

- Email: mikeydphilips@gmail.com
- Phone: 949-432-6184
- Address: 6178 Castletown Way, Alexandria, VA 22310-1634

3. Status of Motion for Reasonable Accommodation:

Please provide an update regarding the review of my Motion for Reasonable Accommodation (submitted December 10, 2024).

Thank you for your assistance. Please confirm receipt of this letter and the addition of the enclosed documents to the docket.

Sincerely,
Dennis Philipson

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence



Dee Philips <mikeydphilips@gmail.com>

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Cc: Dee Philips <mikeydphilips@gmail.com>

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Alexandria, VA 22310-1634

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From: **Dee Philips** <mikeydphilips@gmail.com>
Date: Tue, Jan 7, 2025 at 11:02 AM
Subject: Docket Submission, Case Update, and PACER Email Confirmation
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>

Good Morning,

I hope this message finds you well.

I am following up to confirm that the attached documents have been added to the docket for Docket #24-6082. Could you kindly verify their inclusion? Additionally, I would appreciate an update from Roy regarding the timeline for when my Motion for Reasonable Accommodation (Docket #5, filed 12/10/2024) will be reviewed. Please forward this email to the appropriate contacts if necessary.

Further, could you confirm whether my email address has been updated in PACER? Ensuring my contact information is correct is essential for receiving timely case notifications and updates.

Thank you for your assistance and attention to these matters.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025 at 8:41 AM Dee Philips <mikeydphilips@gmail.com> wrote:
Dear Court,

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

May I ask why my correspondence from December 2nd was added to the docket (#11) without a PDF attachment or my prior consent? I noticed that the email instructing Roy to make this addition was sent from the Pro Se email box.

Please add the attached PDF correspondence to the docket as a formal submission of correspondence.

Additionally, I respectfully request that all communication with the court be in writing. To ensure timely and accurate correspondence, please provide electronic means to communicate with the clerk and the assigned case manager, including an email address for inquiries regarding procedural matters.

Thank you for your time and attention to this request. I look forward to your confirmation.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025, 7:23 AM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken from this email, as no PDF pleading was attached.

All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail.

From: Dee Philips <mikeydphilips@gmail.com>
Sent: Thursday, January 2, 2025 7:18 PM
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>
Subject: Please Add Correspondence for Docket #: 24-6082.

CAUTION - EXTERNAL:

Good evening,

Please include this correspondence and the prior communication from 12/30/24 in Docket #: 24-6082.

1. When will my request for reasonable accommodation, submitted on 12/10/2024 (Docket #5), be reviewed by the court? It is critical for me to ensure I can meet deadlines, given the immense amount of learning and research required for my appellant brief.
2. I previously inquired about the procedures for updating my email address with the court, as I was unable to locate the relevant procedure or form online. Ensuring my email is updated will allow me to receive timely and accurate updates from PACER.
3. I am requesting the contact information for the case manager assigned to this docket for purposes of electronic correspondence.
4. Is there a dedicated email address for the Clerk's Office to address general inquiries (excluding legal questions)?

Thank you,
Dennis Philipson

On Mon, Dec 30, 2024 at 12:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

(72 of 857)

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

01-09-2025 - 24-6082 - Correspondence to Clerks Office, Pro Se Email, Case Manager, Judges of Court
Regarding previous submissions, USPS Express Mailings.pdf
98K

M For Docket

Contact Information for Docket #: 24-6082.

1 message

Thu, Jan 2, 2025 at 9

Dee Philips <mikeydphilips@gmail.com>
 To: ca06-ecf-help@ca6.uscourts.gov
 Cc: Dee Philips <mikeydphilips@gmail.com>

Good evening,

Please see the email below regarding a few questions I had about obtaining contact information and a form to update my email address within PACER and the court. I am still not receiving docket notifications.

Thank you for your assistance.

Sincerely,
 Dennis Philipson

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

From: **Dee Philips** <mikeydphilips@gmail.com>
 Date: Thu, Jan 2, 2025 at 7:17 PM
 Subject: Please Add Correspondence for Docket #: 24-6082.
 To: <ca06_pro_se_e filing@ca6.uscourts.gov>
 Cc: Dee Philips <mikeydphilips@gmail.com>

Good evening,

Please include this correspondence and the prior communication from 12/30/24 in Docket #: 24-6082.

1. When will my request for reasonable accommodation, submitted on 12/10/2024 (Docket #5), be reviewed by the court? It is critical for me to ensure I can meet deadlines, given the immense amount of learning and research required for my appellant brief.
2. I previously inquired about the procedures for updating my email address with the court, as I was unable to locate the relevant procedure or form online. Ensuring my email is updated will allow me to receive timely and accurate updates from PACER.
3. I am requesting the contact information for the case manager assigned to this docket for purposes of electronic correspondence.
4. Is there a dedicated email address for the Clerk's Office to address general inquiries (excluding legal questions)?

Thank you,
 Dennis Philipson

On Mon, Dec 30, 2024 at 12:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:
 Hello,

I am writing to respectfully inquire about the status of my Motion for Reasonable Accommodation, which I recently filed in the referenced case. Specifically, I would appreciate an update on when the Court anticipates reviewing this motion, as it is critical to ensuring my meaningful participation in the appellate process.

Additionally, I am seeking clarification on the appropriate procedure for contacting the assigned case manager. If you can provide this information directly, I kindly request that this inquiry be forwarded to the appropriate individual or your assistance.

I would also like to respectfully note that the Court's compliance with the Americans with Disabilities Act and equitable participation in judicial proceedings. Pursuant to the ADA, courts are required to provide reasonable accommodations to individuals with disabilities to eliminate barriers to justice. Furthermore, the Sixth Circuit's adherence to these principles underscores the importance of timely consideration of such requests to uphold these fundamental principles.

I appreciate your time and assistance in this matter and look forward to your response.

Thanks,

Case: 24-6082

Document: 15

Filed: 01/14/2025

Page: 8

(74 of 857)

Dennis Philipson

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,)	
Plaintiff-Appellee,	)	NOTICE OF CONTACT
	)	INFORMATION AND INQUIRY
v.	)	INQUIRY REGARDING DOCKETED
	)	DOCKETED "CORRESPONDANCE"
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant)	

To the Clerk of Court and all parties of record,

I, Dennis Philipson, hereby notify the Court and counsel of record of the following contact information for purposes of all future correspondence and case-related communications in the above-captioned case:

1. **Mailing Address (Unchanged):**
6178 Castletown Way
Alexandria, VA 22310
2. **Phone Number:**
(949) 432-6184
3. **Email Address:**
mikeydphilips@gmail.com

In addition, I respectfully request that I continue to receive case-related notifications both via U.S. mail and electronically, including PACER notifications for docket entries, filings, and court decisions. This request is consistent with my Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel filed on December 10, 2024.

To date, I am unaware of any review or decision on my requested reasonable accommodation. As such, I am including this notice as part of my pending motion for reasonable accommodation to confirm that this contact information remains current and up to date for purposes of communication by the Clerk's Office and opposing counsel.

Additionally, I respectfully seek clarification from the Clerk's Office regarding the docket entry of an email dated December 2, 2024, (Dkt #11) which was subsequently uploaded to the official case record as "correspondence" 21 days later. Specifically, I request an explanation as to:

1. The individual or office responsible for initiating the submission of this email to the docket;
2. The reason for classifying the email as official correspondence and placing it in the official case record;
3. The rationale for the delayed upload to the docket.


CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January 2025, a true and correct copy of the foregoing Notice of Change and Confirmation of Contact Information was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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



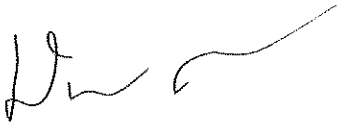
/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

As the email in question was not intended to constitute an official filing, I respectfully request guidance regarding any procedural or administrative concerns that led to its inclusion in the case record and whether any further clarification or corrective measures are necessary.

Please update the Court's records accordingly, and should further action be required, please inform me promptly.

Dated this 3rd day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal line extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

For Docket

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,)	
Plaintiff-Appellee,	)	Correspondence to Clerks Office, Pro Se
	)	Email, Case Manager, Judges of
v.	)	Court Regarding previous submissions
	)	(January 9, 2025)
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant)	

Hello Clerks Office,

I hope you're well. I realize that today is President Carter's National Day of Mourning and wanted to acknowledge this in case it impacts response times. I left voicemails with both the Clerk's Office and the Circuit Executive requesting a call back. Maybe my previous emails were not received due to potential issues with the court's email server?

To ensure my filings are received, I will be sending express mailings tonight to both the Clerk's Office and the judges, containing my motions and correspondence that I previously attempted to submit electronically. I just want to ensure all parties at the court receive them in a timely manner. I will send the Motion for Reasonable Accommodation (Docket #5), December 2, 2024 email (added as Docket Entry #11), PACER email update inquiry, December 30, 2024 email submission, regulated communication request regarding opposing counsel, January 3, 2025 PDF resubmission, procedural inquiries regarding case manager contact and Clerk's Office email.

I've attached a copy of this correspondence for reference and inclusion in the docket. I will share the tracking information as soon as I receive it.

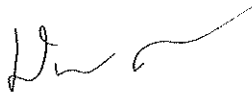
Thank you again for your assistance and understanding as I navigate this extremely difficult process.

Sincerely,

Dennis Philipson

Dated this 9th day of January 2025.

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a stylized flourish at the end.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way - Alexandria, VA 22310

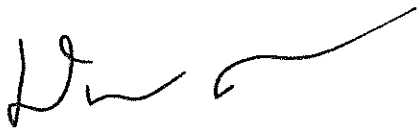
Certificate of Service

I hereby certify that on January 9, 2025, a true and correct copy of the foregoing Notice of Appeal was served via PACER, pending upload from CA06 Pro Se Efiling@ca6.uscourts.gov & Case Manager upon the following counsel for Plaintiff-Appellee:

Paige Waldrop Mills, BPR No. 016218
BASS, BERRY & SIMS PLC
Suite 2800
150 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

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant-Appellant



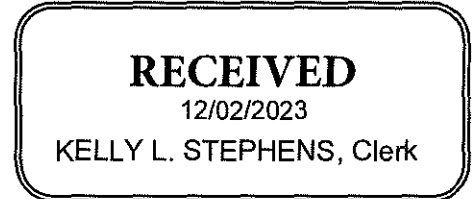
/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

Roy Ford

From: CA06_Pro_Se_Efiling
Sent: Monday, December 23, 2024 7:37 AM
To: Roy Ford
Subject: FW: Notice to Appeal - Case No.: 2:23-cv-02186-SHL-cgc

24-6082

Roy, please place on your docket as correspondence.
thanks



From: mikeydphilips@gmail.com <mikeydphilips@gmail.com>
Sent: Monday, December 2, 2024 12:14 PM
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>
Cc: IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>; 'Mikey D' <mikeydphilips@gmail.com>
Subject: RE: Notice to Appeal - Case No.: 2:23-cv-02186-SHL-cgc

?

CAUTION - EXTERNAL:

Just to add to my last email, I believe that since December 1st was a Sunday, the deadline would be extended to the next business day, which is today, December 2nd. Under Federal Rule of Appellate Procedure 26(a), deadlines that fall on a weekend or holiday roll over to the next business day. Therefore, if the appeal period ends on November 30 (30 days after November 1), the final day to file would indeed be Monday, December 2, 2024.

From: mikeydphilips@gmail.com <mikeydphilips@gmail.com>
Sent: Monday, December 2, 2024 12:11 PM
To: ca06_pro_se_efiling@ca6.uscourts.gov
Cc: 'Mikey D' <mikeydphilips@gmail.com>; IntakeTNWD@tnwd.uscourts.gov
Subject: Notice to Appeal - Case No.: 2:23-cv-02186-SHL-cgc

Dear Sixth Circuit Court of Appeals Clerk of the Court,

I am writing to notify you of my intention to appeal the judgment issued on November 1, 2024, by the United States District Court for the Western District of Tennessee in case number 2:23-cv-02186-SHL-cgc. I have just returned from traveling and received two letters from the Western Tennessee Court, dated November 4, 2024, that were sent to an incorrect physical address, despite my prior updates to the court regarding my current contact information.

The letters referenced the judgment and related orders. Due to the delay in receiving these documents, I am now in the process of filing my intent to appeal, paying the necessary fees, and completing all required steps to proceed.

Please find the judgment and notice to appeal attached for your reference. If there are any additional steps required or questions regarding this matter, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,
Dennis Michael Philipson
Defendant-Appellant, Pro Se
6178 Castletown Way
Alexandria, VA 22310

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT	)	MOTION FOR REASONABLE
COMMUNITIES, INC.,	)	ACCOMMODATION AND
Plaintiff-Appellee,	)	REGULATED INTERACTION WITH
v.	)	PLAINTIFF APPELLEE'S COUNSEL
)	
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant)	

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

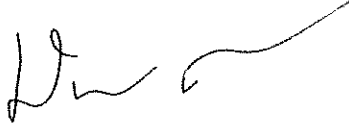
The accommodations requested within this motion are crucial for providing me with equitable access to the appellate process, particularly given the unique challenges posed by my disabilities. These accommodations—extending deadlines, receiving hard copies of court documents, simplifying legal communications, 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 10th day of December
2024.**

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a long horizontal flourish extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeydPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December 10, 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



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,)	
Plaintiff-Appellee,)	
)	
v.	)	Response to Order to Show Cause
	)	(July 10, 2024)
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant)	

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



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.

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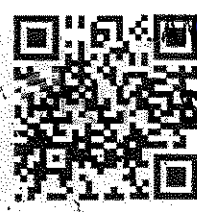


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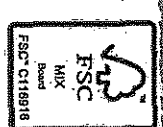
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INTRODUCTION

Defendant-Appellant Dennis Michael Philipson, proceeding pro se, respectfully submits this brief to appeal the judgment rendered by the United States District Court for the Western District of Tennessee, Case No. 2:23-cv-02186. According to the briefing letter, the court prefers short and direct statements, and we will make every effort to respect that. However, if the court reviews the full docket, it will uncover the extensive and undeniable judicial misconduct that pervades this case.

This case is riddled with false claims, baseless accusations, and libelous statements, which have not only undermined my rights but also caused irreparable harm to my personal life and career. Information stemming from this litigation now appears prominently on Google, damaging my reputation. I have been forced to change my email address multiple times to avoid unwarranted subpoenas targeting my personal communications, cut off all social media to protect my privacy, and endure the relentless personal and professional toll inflicted by this litigation.

There are numerous issues and egregious violations of civil rights and due process, making it exceedingly difficult to keep this brief concise. This appeal seeks to address significant procedural and substantive errors that culminated in a judgment marked by judicial misconduct, tampered evidence, and retaliatory legal actions.

1. Did the District Court Incorrectly Decide the Facts?

Yes, the District Court relied on altered subpoenas (see Docket 2:23-cv-02186-SHL-cgc, No. 106, Exhibit E) and evidence that was most likely tampered with, given the overall nature of the case as an intimidation tactic aimed at extracting information from me rather than a legitimate legal proceeding. The court failed to scrutinize false accusations made by opposing counsel and accepted speculative testimony lacking scientific grounding. The opposing expert's report was rife with conjecture, false assumptions, and inaccuracies. Furthermore, the case itself appeared retaliatory, with intrusive discovery requests seeking privileged information, including communications submitted to federal agencies and my complaint about opposing counsel, Paige

Mills, to the Tennessee Professional Board of Responsibility.

2. Did the District Court Apply the Wrong Law?

The District Court misapplied federal whistleblower protection laws, including the Sarbanes-Oxley Act and the Dodd-Frank Act. Additionally, it failed to enforce critical procedural safeguards under the Federal Rules of Civil Procedure, particularly Rules 11, 26, and 45, which protect against frivolous claims and abusive discovery practices.

3. Are There Additional Reasons Why the Judgment Was Wrong?

Yes, the proceedings were compromised by undisclosed conflicts of interest. Metadata revealed that judicial orders were authored by a law clerk, Michael Kapellas, who had previously worked with opposing counsel in 2020 (see Docket 2:23-cv-02186-SHL-cgc, No. 103, filed June 21). This conflict only came to light after Mr. Kapellas issued multiple biased orders against me, further undermining the impartiality of the court. Additionally, unauthorized subpoenas were used to access Gmail records and bank account information tied to email addresses added before I was even named a defendant, while still designated as a witness. These actions reflect significant ethical violations and procedural misconduct.

4. What Specific Issues Are Raised on Appeal?

The issues include altered subpoenas, judicial conflicts of interest, abuse of discovery, evidence that raises serious concerns of tampering, and retaliatory litigation designed to undermine my whistleblower activities and violate due process rights.

5. What Action Should the Court of Appeals Take?

This Court should reverse the District Court's judgment, dismiss the claims against me with prejudice, and impose sanctions against the opposing counsel for their misuse of the judicial process. Additionally, the Court should ensure that future proceedings are free from bias and procedural irregularities.

This case stems from my legitimate whistleblower complaints regarding misconduct by Mid-America Apartment Communities, Inc. (MAA). Rather than addressing the issues raised, MAA engaged in retaliatory litigation, weaponizing the judicial process to obtain privileged communications and silence me. The District Court's failure to prevent these abuses—and its complicity in enabling them—has led to a severe miscarriage of justice.

This brief will demonstrate that the District Court's judgment was both procedurally and substantively flawed, representing a broader misuse of judicial resources to intimidate and retaliate against a whistleblower. The record, including exhibits cited in my Response to Order to Show Cause (Docket 2:23-cv-02186-SHL-cgc, No. 106, Exhibits A through G), substantiates these claims.

1. Did the District Court Incorrectly Decide the Facts?

Yes, the District Court fundamentally erred in its findings by relying on altered subpoenas, evidence that suggests possible tampering, speculative testimony, and unsubstantiated allegations, all of which severely compromised the integrity of the judicial process.

Altered Subpoenas and Procedural Misconduct

The District Court accepted subpoenas that were demonstrably altered without authorization, as documented in (Docket 2:23-cv-02186-SHL-cgc, No. 106, Exhibit E). These alterations improperly added my personal email addresses—Mphillyd@gmail.com and Phillydee100@gmail.com—which Plaintiff-Appellee Mid-America Apartment Communities (MAA) knew were associated with me. These additions were unwarranted and occurred while I was still designated as a witness, not a defendant. The alteration of subpoenas violates Federal Rule of Civil Procedure 45, which mandates that subpoenas avoid imposing undue burden or expense and that they respect procedural integrity. The District Court's failure to address these violations enabled the Plaintiff to misuse the subpoena process and circumvent established legal safeguards.

In *Securities and Exchange Commission v. CMKM Diamonds, Inc.*, the court imposed sanctions for the

misuse of subpoenas and other procedural violations that undermined judicial integrity. The principles outlined in that case apply here, where MAA's counsel misused subpoena power to obtain unauthorized personal information, burdening and intimidating me under the guise of legal discovery.

Tampered Evidence and Unreliable Testimony

The Plaintiff's case was heavily reliant on evidence that was compromised and unreliable. The expert report submitted by MAA was riddled with speculative conclusions and lacked the methodological rigor required under Federal Rule of Evidence 702. For instance, the expert's claim that my IP address was tied to alleged misconduct did not account for the common use of virtual private networks (VPNs) and shared IP addresses, which significantly limits the reliability of such evidence. Moreover, the expert failed to address alternative explanations for the evidence, rendering the conclusions speculative and prejudicial.

In *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, the Supreme Court established that expert testimony must be based on scientific validity and reliability. The application of Daubert's standard here would render MAA's expert testimony inadmissible due to its lack of methodological reliability and evidentiary support. However, the District Court failed to apply this critical standard, allowing inadmissible testimony to influence its findings.

Retaliatory Nature of the Case

The proceedings in this case were unmistakably retaliatory, stemming from my legitimate whistleblower complaints against MAA. Discovery requests went far beyond the bounds of relevance or necessity, seeking privileged communications with federal agencies, including the Securities and Exchange Commission (SEC) and Equal Employment Opportunity Commission (EEOC). These requests also targeted my complaint against opposing counsel, Paige Mills, filed with the Tennessee Professional Board of Responsibility. Such discovery tactics were clearly designed to intimidate and harass, in violation of Federal Rule of Civil Procedure 26, which requires discovery to be proportional and not

unduly burdensome.

In *Welch v. Chao*, the Fourth Circuit upheld whistleblower protections under the Sarbanes-Oxley Act, emphasizing that retaliatory actions designed to silence whistleblowers are prohibited. Similarly, the discovery tactics employed by MAA in this case violate both the letter and spirit of federal whistleblower protection laws, undermining my right to due process and fair treatment.

Failure to Scrutinize False Accusations

The District Court compounded its errors by failing to critically evaluate numerous false accusations made by opposing counsel. Baseless claims of hacking, unauthorized access, and criminal activity—including allegations that I opened a credit card in the name of opposing counsel's husband—were advanced without any credible evidence. Rather than properly scrutinizing these accusations, the District Court allowed them to form the basis for intrusive discovery efforts, such as subpoenas targeting my financial records and private communications.

If opposing counsel genuinely believed these claims, the appropriate course of action would have been to file a police report, as I did, to substantiate or dismiss these allegations through the proper channels. Instead, these unsubstantiated claims were wielded as a tool of intimidation and harassment within the litigation. This approach not only violated Federal Rule of Civil Procedure 11, which requires claims to have a factual basis, but also diverted the court's attention from legitimate issues in the case.

In *Seattle Times Co. v. Rhinehart*, the Supreme Court affirmed that discovery practices must be conducted in good faith and within the limits of relevance and necessity. The overbroad and intrusive discovery tactics employed by Plaintiff-Appellee, including attempts to coerce private and financial information through subpoenas, violated this standard and further demonstrate the retaliatory nature of this litigation.

The District Court's reliance on altered subpoenas, evidence suggesting possible tampering, and speculative testimony underscores a broader failure to uphold procedural fairness and evidentiary

standards. By neglecting to address these baseless accusations and abusive tactics, the District Court allowed the proceedings to devolve into a campaign of intimidation. These errors, compounded by retaliatory litigation tactics, have profoundly undermined the integrity of this case and the judicial process as a whole. As a result, the District Court's judgment rests on a foundation of factual inaccuracies and procedural misconduct.

2. Did the District Court Apply the Wrong Law?

Yes, the District Court misapplied federal whistleblower protection laws and failed to enforce critical procedural safeguards, resulting in an unjust judgment that disregarded established legal standards.

Misapplication of Federal Whistleblower Protection Laws

The District Court failed to recognize and uphold protections afforded to whistleblowers under federal statutes, including the Sarbanes-Oxley Act (SOX) and the Dodd-Frank Act. These laws are designed to shield individuals who report corporate misconduct from retaliatory actions, yet the District Court's rulings facilitated precisely such retaliation.

Under the Sarbanes-Oxley Act, employees are protected from adverse actions for disclosing information regarding fraudulent activities, particularly those implicating shareholder interests. Similarly, the Dodd-Frank Act bolsters whistleblower protections, providing explicit safeguards against retaliation for reporting violations of securities laws. My whistleblower complaints about Mid-America Apartment Communities (MAA), submitted to federal agencies such as the Securities and Exchange Commission (SEC) and Federal Trade Commission (FTC), fall squarely within the scope of these protections.

In *Welch v. Chao*, the Fourth Circuit emphasized that whistleblower protections under SOX must be interpreted broadly to prevent retaliation and encourage the reporting of corporate misconduct. Despite this precedent, the District Court ignored clear evidence that MAA's legal actions were designed to punish me for my disclosures. By permitting discovery requests aimed at obtaining privileged whistleblower communications, the District Court failed to uphold the statutory protections guaranteed

under these laws.

Failure to Enforce Procedural Safeguards

The District Court also neglected to enforce critical procedural safeguards established by the Federal Rules of Civil Procedure, particularly Rules 11, 26, and 45, which are designed to prevent frivolous claims, abusive discovery practices, and undue burden on litigants.

- **Rule 11:** This rule requires that all pleadings, motions, and other submissions have a proper basis in fact and law, ensuring that claims are not filed for improper purposes such as harassment or intimidation. MAA's filings, including its overly broad and invasive subpoenas, lacked factual support and were clearly intended to coerce and intimidate me. The District Court failed to sanction or otherwise address these violations, allowing MAA's counsel to proceed unchecked.
- **Rule 26:** Rule 26 mandates that discovery be relevant and proportional to the needs of the case, avoiding unnecessary burden or expense. MAA's discovery requests, which sought privileged whistleblower communications and confidential information unrelated to the claims at issue, violated this standard. The requests extended to documents submitted to federal agencies, including whistleblower complaints and my professional grievance against opposing counsel, Paige Mills, filed with the Tennessee Professional Board of Responsibility. These demands were retaliatory and designed to harass, not to uncover relevant evidence, yet the District Court allowed them without restriction.
- **Rule 45:** The misuse of subpoenas in this case, as documented in (Docket 2:23-cv-02186-SHL-cgc, No. 106, Exhibit E), represents a clear violation of Rule 45, which prohibits subpoenas that impose undue burden or fail to serve legitimate discovery purposes. The altered subpoenas targeting my personal communications were unauthorized and improperly served, yet the District Court failed to quash them or address the procedural violations they entailed.

Broader Implications of Legal Misapplication

The District Court's failure to apply these critical legal standards facilitated a judicial process rife with abuses of power and procedural irregularities. In *Seattle Times Co. v. Rhinehart*, the Supreme Court underscored the importance of balancing discovery practices with the need to protect parties from annoyance, embarrassment, oppression, or undue burden. This principle was entirely disregarded in the present case, where discovery became a tool of retaliation rather than a legitimate means of fact-finding. Moreover, the District Court's unwillingness to enforce these protections emboldened opposing counsel to pursue a strategy of harassment, including the submission of false accusations and intrusive demands for private information. By failing to intervene, the District Court effectively sanctioned these abusive tactics, further eroding the procedural integrity of the case.

The misapplication of federal whistleblower protection laws and procedural safeguards not only undermined the fairness of the proceedings but also violated my statutory and constitutional rights. This Court must correct these errors to restore the integrity of the judicial process and ensure that federal protections for whistleblowers are meaningfully enforced.

3. Are There Additional Reasons Why the Judgment Was Wrong?

Yes, the proceedings were tainted by undisclosed conflicts of interest. Metadata revealed that judicial orders were authored by a law clerk, Michael Kapellas, who had previously worked with opposing counsel in 2020 (see Docket 2:23-cv-02186-SHL-cgc, No. 103, filed June 21). Additionally, this email was added to the docket without my consent by chambers, as confirmed by the web clerk, Judy Easley. I had no interest in hearing the already biased and wholly egregious court's opinion on my discovery, especially given that this undisclosed conflict only came to light after Mr. Kapellas issued six blatantly biased and utterly disgraceful orders against me. This undisclosed relationship compromised the impartiality of the court and constituted a violation of ethical standards. The case was further plagued by inaccuracies, biased statements, and unauthorized subpoenas, including attempts to access Gmail records

and bank account information tied to email addresses (e.g., Mphillyd@gmail.com and Phillydee100@gmail.com). These email addresses were added to the subpoenas before I was even named a defendant, while I was still designated as a witness.

Use of Intimidation Tactics and Harassment

The Plaintiff-Appellee, Mid-America Apartment Communities (MAA), employed excessive and harassing tactics to create undue stress and intimidate me throughout the litigation process. Hundreds of mailings were sent to my home, many of which could have been consolidated into fewer, more concise communications. This excessive correspondence, now in the possession of the DOJ Criminal Division, was clearly intended to overwhelm me rather than to serve any legitimate legal purpose.

Furthermore, badged and uniformed process servers repeatedly visited my home, invading my privacy by entering my backyard and speaking to my neighbors. These actions were not only unnecessary but also deeply invasive, crossing the line into harassment. The use of such tactics undermines the integrity of the legal process and violates Federal Rule of Civil Procedure 45, which mandates that subpoenas and related service methods avoid imposing undue burden or harassment.

During my deposition, cameras were prominently placed to record the proceedings, further heightening the intimidating atmosphere. Despite my explicit request to secure legal representation before the deposition, the court refused to grant me this basic right, forcing me to proceed unrepresented. The deposition itself, lasting several hours, failed to produce any credible evidence justifying the Plaintiff's claims. Instead, it relied on speculative and irrelevant material, such as online reviews, to construct baseless allegations. This violated Federal Rule of Civil Procedure 30, which requires that depositions be conducted fairly and without undue prejudice.

Procedural Failures by the District Court

The District Court exhibited a consistent pattern of bias and procedural irregularity. On November 1, the

court mailed critical documents to the wrong address, depriving me of the opportunity to respond adequately. Despite this clear procedural error, the court proceeded to issue a judgment against me for \$600,000—a judgment that was both exorbitant and unsupported by evidence.

The judgment was based on speculative and inflated claims of expenses allegedly incurred by MAA. These expenses were neither substantiated by proper documentation nor subject to scrutiny by the court. The lack of transparency and the court's willingness to accept these claims at face value highlight a failure to uphold the principles of due process. Federal Rule of Evidence 1006, which governs the presentation of summaries of voluminous records, requires that such summaries be supported by the underlying documents. In this case, no such documentation was presented, rendering the judgment baseless and procedurally flawed.

Retaliatory Nature of the Judgment

The \$600,000 judgment was not merely an error—it was a clear act of retaliation intended to silence me and discredit my legitimate whistleblower claims. MAA has a documented history of attempting to twist my words and actions to fit a narrative of wrongdoing. This judgment represents yet another effort to suppress the truth about the company's misconduct. My whistleblower complaints, submitted to federal agencies including the Securities and Exchange Commission (SEC), are accurate and well-documented. The retaliatory nature of this case directly contravenes the protections afforded to whistleblowers under the Sarbanes-Oxley Act and the Dodd-Frank Act, as well as the principles outlined in *Welch v. Chao*, where the court emphasized the importance of protecting whistleblowers from retaliatory actions.

Lack of Impartiality and Manipulation of Proceedings

Judicial law clerk Michael Kapellas played an outsized and inappropriate role in this case. His insistence that I negotiate with opposing counsel and his repeated assertions that I was “wasting the court's time” demonstrate a clear bias against me. This was compounded by the court's refusal to allow me to fully

explain my position or challenge the procedural irregularities that plagued the case. The involvement of Mr. Kapellas, who had prior professional relationships with opposing counsel, raises serious ethical concerns and further undermines the impartiality of the proceedings.

The original framing of this case as a trademark dispute was itself a misrepresentation. The Plaintiff's claims were based on speculative and baseless accusations, relying heavily on tampered evidence and exaggerated expenses. This lack of a legitimate foundation, combined with the court's failure to address these deficiencies, underscores the retaliatory and abusive nature of the litigation.

The DOJ Antitrust Lawsuit Against RealPage and Its Potential Connection to This Case

The U.S. Department of Justice's (DOJ) antitrust lawsuit against RealPage underscores industry practices that align with concerns I have raised. In 2022, I submitted a USB drive, which I believe was received by the DOJ Criminal Division, containing extensive documentation related to Mid-America Apartment Communities (MAA). This submission included thousands of emails, internal documents, and other materials that, to my understanding, indicate potential violations of antitrust laws by MAA. However, I have not received confirmation from the DOJ regarding the receipt of this information or the initiation of any investigation into MAA.

Evidence Submitted in 2022, 2023, and 2024

In 2022, I provided the DOJ Criminal Division with a USB containing extensive documentation on what I perceive as Mid-America Apartment Communities (MAA)'s violations of antitrust laws. This evidence included:

1. **Market Surveys and Pricing Discussions:** Internal communications suggesting that MAA engaged in discussions with competitors under the guise of market surveys. These discussions appear designed to coordinate rent pricing strategies, potentially violating federal antitrust laws prohibiting collusion.

2. **Direct Competitor Communications:** Emails revealing direct exchanges between MAA and competitors that discussed rent pricing and market trends, which could be interpreted as limiting competition.
3. **RealPage Revenue Management Software:** Documentation showing how MAA utilized RealPage's software to potentially coordinate pricing strategies across the market. By aggregating and sharing sensitive rental data, this platform may have facilitated price-fixing practices.
4. **Internal Policy Discrepancies:** Evidence of MAA's internal policies that contradict their public commitments to ethical practices and compliance with antitrust regulations.

Since then, I have continued to provide evidence, including additional materials in 2023 and 2024, through the SEC's TCR Whistleblower Platform, further detailing what I perceive as ongoing anticompetitive behavior by MAA. This case has effectively exposed me as a whistleblower, placing me at significant personal and professional risk.

Retaliatory Litigation

MAA's actions constitute a direct retaliation against my whistleblower disclosures, contravening several federal protections, including:

- **The Sarbanes-Oxley Act (18 U.S.C. § 1514A):** Protecting employees who report fraudulent activities that could harm shareholders.
- **The Dodd-Frank Act (15 U.S.C. § 78u-6):** Prohibiting retaliation against whistleblowers who report violations of securities laws.
- **The Criminal Antitrust Anti-Retaliation Act (CAARA, 15 U.S.C. § 7a-3):** Safeguarding individuals who report antitrust violations or assist in federal investigations.
-

Importance of These Protections

Federal laws emphasize the importance of whistleblower protections to encourage the reporting of

corporate misconduct. In *Welch v. Chao*, the court held that whistleblower laws must be interpreted broadly to shield individuals from retaliation and ensure accountability. By filing baseless claims and engaging in invasive discovery tactics, MAA not only sought to intimidate me but also undermined the intent of these statutory protections.

Urgency for Appellate Intervention

This case demonstrates a clear misuse of the judicial process as a tool of retaliation. The disclosures I made were in the public interest and aligned with federal objectives to combat anticompetitive practices. The Court of Appeals must act to ensure that whistleblower protections are enforced and that retaliation under the guise of litigation is not tolerated.

Retaliation for Whistleblowing

Following my attempts to report these concerns, I experienced actions that I perceive as retaliatory, including:

- **Baseless Legal Claims:** The initiation of unfounded legal actions against me, seemingly intended to intimidate and silence my whistleblowing efforts.
- **Discovery Abuses:** Efforts to extract privileged communications and personal information through aggressive and improper discovery tactics.
- **Harassment:** The receipt of excessive legal correspondence and the use of intimidating tactics, such as the deployment of uniformed process servers to my residence.

These actions may violate protections afforded to whistleblowers under the **Criminal Antitrust Anti-Retaliation Act (CAARA)**, codified at 15 U.S.C. § 7a-3. CAARA prohibits employers from retaliating against individuals who report potential antitrust violations or assist in federal investigations related to such violations.

Importance of Reviewing MAA's Practices

While I lack confirmation regarding the DOJ's receipt of my submission or any investigation into MAA, the practices I have documented raise serious concerns about potential antitrust violations. The DOJ's lawsuit against RealPage highlights systemic issues within the industry that mirror the activities I have observed at MAA. A thorough review of MAA's practices is warranted to ensure compliance with antitrust laws and to protect the rights of individuals who report such violations.

By allowing retaliatory actions to proceed unchecked, the District Court may have failed to uphold the protections intended for whistleblowers under federal law. Appellate review is necessary to address these concerns and to reinforce the legal safeguards designed to encourage the reporting of antitrust violations without fear of retribution.

Urgency of Appellate Review

The procedural failures, retaliatory tactics, and judicial bias evident in this case demand immediate appellate intervention. A full review of the docket will reveal the extent to which the proceedings were compromised and justice was denied. This Court must correct these errors to restore fairness, ensure accountability, and uphold the protections afforded to whistleblowers under federal law.

4. What Specific Issues Are Raised on Appeal?

This appeal raises critical issues of judicial misconduct, procedural abuse, and retaliatory litigation, all of which have severely compromised the fairness of the proceedings and violated fundamental rights.

These issues include:

Altered Subpoenas

The Plaintiff-Appellee, Mid-America Apartment Communities (MAA), improperly altered subpoenas to target my personal information, including email addresses that were added after the subpoenas were

issued. These alterations, detailed in (Docket 2:23-cv-02186-SHL-cgc, No. 106, Exhibit E), occurred while I was still a witness and not yet named as a defendant. Subpoenas must adhere to the strict requirements of Federal Rule of Civil Procedure 45, which prohibits undue burden and mandates proper procedural safeguards. The District Court's failure to address these alterations enabled the Plaintiff to misuse the subpoena process to invade my privacy and gather irrelevant information in a manner designed to harass and intimidate me.

Judicial Conflicts of Interest

This case was tainted by undisclosed conflicts of interest involving judicial law clerk Michael Kapellas, who previously worked with opposing counsel at Bass, Berry & Sims PLC. Metadata from judicial orders revealed that Mr. Kapellas authored key rulings in this case, including orders unfavorable to me, despite his prior professional relationship with opposing counsel (see Docket 2:23-cv-02186-SHL-cgc, No. 103, filed June 21). This undisclosed relationship created an appearance of impropriety in direct violation of Canon 3 of the Code of Conduct for United States Judges, which requires judges and their clerks to avoid impropriety or its appearance. Such conflicts compromise the impartiality of the judicial process and undermine confidence in the integrity of the court's decisions.

Abuse of Discovery

The discovery process in this case was weaponized as a tool of harassment and intimidation. Plaintiff-Appellee issued intrusive and overly broad discovery requests, including demands for privileged whistleblower communications submitted to federal agencies such as the Securities and Exchange Commission (SEC) and Equal Employment Opportunity Commission (EEOC). These requests extended to irrelevant and highly personal information, such as my financial records, private communications, and professional complaints filed against opposing counsel. Federal Rule of Civil Procedure 26 explicitly limits discovery to matters proportional to the needs of the case, yet the District Court failed to enforce

these protections, allowing discovery to become a punitive exercise rather than a legitimate fact-finding process.

Tampered Evidence and Speculative Testimony

The Plaintiff relied on evidence that was demonstrably tampered with and testimony that was speculative and unsupported by reliable scientific or forensic analysis. Expert reports submitted by the Plaintiff were based on flawed methodologies, including unfounded assumptions about digital records and IP addresses. These reports failed to meet the admissibility standards established under Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, which require expert testimony to be both scientifically valid and relevant to the case. The District Court's acceptance of this unreliable evidence significantly prejudiced my ability to defend myself and calls into question the integrity of the judgment.

Retaliatory Litigation

The entirety of this litigation constitutes a retaliatory effort to silence my whistleblowing activities and discredit the evidence I provided to federal authorities. MAA's claims were not rooted in legitimate legal grievances but were instead designed to punish me for exposing anticompetitive practices and other misconduct. Such retaliatory actions contravene federal protections for whistleblowers, including the Criminal Antitrust Anti-Retaliation Act (CAARA) (15 U.S.C. § 7a-3), which prohibits retaliation against individuals who report antitrust violations. The District Court's complicity in allowing these retaliatory tactics to proceed unchecked further underscores the need for appellate intervention.

Violations of Due Process Rights

The cumulative effect of the issues raised above resulted in egregious violations of my due process rights. These include:

- **Improper Service of Documents:** On November 1, critical court documents were sent to the wrong address, depriving me of the opportunity to respond and leading to an unsupported \$600,000 judgment against me.
- **Denial of Representation:** During my deposition, I was denied the opportunity to secure legal representation, despite explicitly requesting it, in violation of procedural fairness.
- **Intimidation Tactics:** The use of badged and uniformed process servers to invade my property and speak to neighbors, combined with excessive legal correspondence, created an environment of harassment designed to suppress my defense.

What Action Should the Court of Appeals Take?

Summary of Issues

This appeal seeks to rectify the profound procedural, ethical, and substantive errors that pervaded the District Court proceedings. The altered subpoenas, judicial conflicts of interest, abusive discovery practices, reliance on tampered evidence, and retaliatory litigation all demonstrate a systemic failure to ensure fairness and uphold the principles of justice. Each of these issues represents a serious departure from the standards required under federal law and demands corrective action by this Court.

This Court should reverse the District Court's judgment, dismiss the claims against me with prejudice, and permanently bar the Plaintiff-Appellee from pursuing this litigation further. Additionally, the Court should impose sanctions on opposing counsel, judicial law clerk Michael Kapellas, and any others involved in procedural abuses, judicial misconduct, and civil rights violations. The egregious actions of Mid-America Apartment Communities (MAA), their legal counsel at Bass, Berry & Sims PLC, and the District Court's complicity demonstrate a coordinated effort to weaponize the judicial process for retaliation and to suppress my whistleblowing activities. Strong corrective action is essential to restore the integrity of the legal system and deter such conduct in the future.

Reversal of Judgment and Dismissal with Prejudice

The judgment rendered by the District Court is procedurally and substantively flawed, built upon altered subpoenas, unreliable evidence, speculative expert testimony, and unsubstantiated claims designed to intimidate and harass me for reporting MAA's antitrust violations. These retaliatory tactics are in direct violation of federal protections, including the Criminal Antitrust Anti-Retaliation Act (CAARA) (15 U.S.C. § 7a-3), which prohibits retaliatory actions against individuals who report antitrust violations. In *Burlington Northern & Santa Fe Railway Co. v. White*, the Supreme Court held that retaliatory actions need not be employment-related to violate anti-retaliation statutes; they merely need to deter a reasonable person from engaging in protected activity. MAA's litigation tactics, coupled with the District Court's failure to address them, constitute a clear effort to suppress my whistleblowing activities and to deter others from reporting similar misconduct. The appellate court must intervene to reverse this judgment and dismiss the claims against me permanently.

Imposition of Sanctions

The Court should impose severe sanctions against MAA, their legal counsel at Bass, Berry & Sims PLC, and judicial law clerk Michael Kapellas for their collective misconduct, which includes the following:

1. Abuse of Process:

- MAA's legal counsel engaged in egregious discovery abuses, issuing altered subpoenas (see Docket 2:23-cv-02186-SHL-cgc, No. 106, Exhibit E) that improperly targeted my personal information and privileged whistleblower communications. These actions violated Federal Rule of Civil Procedure 26, which requires discovery to be relevant and proportional, and were clearly designed to intimidate rather than uncover relevant facts. In *Chambers v. NASCO, Inc.*, the Supreme Court affirmed the inherent power of courts

to sanction bad-faith conduct that abuses the judicial process. Sanctions are warranted here to address this misconduct.

2. Judicial Misconduct and Conflicts of Interest:

- Judicial law clerk Michael Kapellas authored multiple biased orders against me, despite his undisclosed prior employment with opposing counsel (see Docket 2:23-cv-02186-SHL-cgc, No. 103). This undisclosed conflict of interest violated Canon 3 of the Code of Conduct for United States Judges, which mandates impartiality and prohibits even the appearance of impropriety. In *Liljeberg v. Health Services Acquisition Corp.*, the Supreme Court vacated a judgment due to a judge's failure to disclose a conflict of interest, emphasizing that maintaining public confidence in the judiciary is paramount. A similar remedy, including punitive sanctions, is necessary here to address this ethical breach.

3. Retaliatory Litigation:

- The entirety of this litigation constitutes a retaliatory campaign designed to suppress my voice and discredit my legitimate whistleblowing activities. This conduct violates the intent and spirit of federal whistleblower protections under the Sarbanes-Oxley Act (18 U.S.C. § 1514A) and the Dodd-Frank Act (15 U.S.C. § 78u-6), which prohibit retaliation against individuals who report corporate misconduct. In *Thomas v. Tenneco Packaging Co.*, the Sixth Circuit recognized that litigation intended to chill the exercise of protected rights warrants strong judicial intervention. Sanctions against MAA and their counsel are necessary to deter similar retaliatory actions in the future.

Restitution for Harassment and Intimidation

This Court should also order restitution for the extensive damages I have suffered as a result of four years of relentless harassment and intimidation by MAA and their counsel, as well as 20 months of

targeted legal aggression by attorneys at Bass, Berry & Sims PLC. The Plaintiff-Appellee's conduct has caused significant emotional, physical, and financial harm, exacerbating my mental health struggles, which were well known to MAA and their attorneys. Instead of proceeding in good faith, they exploited my vulnerabilities through a calculated campaign of intimidation.

Invasive and Harassing Tactics

1. **Threats of Arrest:** During the course of this litigation, opposing counsel made baseless threats of arrest against me, an act designed to intimidate and silence me rather than advance any legitimate legal claims. These threats were not supported by any evidence or legal basis and were clearly intended to escalate my anxiety and force compliance through fear.
2. **Invasion of Privacy:** Uniformed process servers were repeatedly sent to my home, invading my privacy and harassing not only me but also my family. These process servers intrusively entered my property, snooped around my backyard, and engaged with neighbors in a clear effort to humiliate and intimidate me within my own community.
3. **Excessive Legal Mailings:** Over the years, I received hundreds of unnecessary and duplicative legal mailings from MAA and their counsel, many of which could have been consolidated. This excessive correspondence was clearly intended to overwhelm and burden me, rather than serve any legitimate procedural purpose.
4. **Abusive Discovery Tactics:** The Plaintiff's invasive discovery demands, including subpoenas for irrelevant and highly personal information, further contributed to this campaign of harassment. These demands went far beyond the scope of legitimate discovery, violating **Federal Rule of Civil Procedure 26**, which requires that discovery be proportional to the needs of the case.
5. **Denial of Legal Representation:** My explicit requests to secure legal representation during depositions were denied, forcing me to proceed unrepresented in a hostile environment. The deposition itself lasted for several hours, during which opposing counsel's tactics were clearly

designed to intimidate rather than elicit legitimate evidence.

Mental and Emotional Toll

The relentless harassment and intimidation have had a profound impact on my mental health. As someone who has struggled with mental illness, the actions of MAA and their counsel exacerbated my condition, leading to years of medication changes, heightened anxiety, and significant emotional distress. This impact was not incidental; MAA and their attorneys were fully aware of my mental health struggles and deliberately exploited them through their intimidation tactics.

Basis for Restitution

Restitution is warranted not only to compensate me for the tangible and intangible harm I have suffered but also to deter similar conduct by other litigants in the future. In *Chambers v. NASCO, Inc.*, the Supreme Court affirmed the inherent power of courts to impose sanctions and order restitution for bad-faith conduct that abuses the judicial process. The Plaintiff's actions in this case clearly fall within this standard, and restitution is necessary to address the significant harm caused by their misconduct.

Specific Restitution Requested

Restitution should include:

- Compensation for the financial burden of excessive legal mailings and baseless discovery demands.
- Damages for the emotional distress caused by threats, privacy invasions, and harassment at home.
- Additional compensation for the mental health impacts, including the exacerbation of anxiety and other conditions directly resulting from MAA's and their attorneys' actions.

The Plaintiff's conduct throughout this case reflects a complete disregard for procedural fairness and

basic decency. Restitution is essential to ensure accountability for this egregious misconduct and to send a strong message that such tactics will not be tolerated in the judicial system.

CONCLUSION

The judgment rendered by the District Court is not merely flawed but emblematic of a systemic failure to uphold the principles of fairness, justice, and due process. This case represents a culmination of retaliatory litigation, judicial misconduct, procedural irregularities, and abuses of power, all of which have caused irreparable harm to me, both personally and professionally.

The issues raised on appeal, including altered subpoenas, judicial conflicts of interest, abusive discovery practices, tampered evidence, and retaliatory actions, demonstrate a profound departure from the standards required under federal law. The evidence presented shows that the District Court's judgment was predicated on unreliable and improperly obtained materials, resulting in a miscarriage of justice that undermines the credibility of the judicial process.

This Court is uniquely positioned to rectify these errors and restore integrity to the legal system by taking the following actions:

1. **Reverse the Judgment:** The District Court's decision must be overturned, and the claims against me dismissed with prejudice.
2. **Impose Sanctions:** Appropriate punitive measures should be imposed on MAA, their legal counsel, and judicial law clerk Michael Kapellas for their roles in perpetuating procedural abuses, conflicts of interest, and retaliatory actions.
3. **Order Restitution:** I should be awarded restitution for the years of harassment, intimidation, and retaliatory litigation inflicted upon me, including the costs associated with defending myself against baseless claims.
4. **Mandate Structural Reforms:** Safeguards must be implemented to ensure that similar misconduct does not occur in the future, including stricter rules governing judicial impartiality and discovery practices.

This case began as a purported trademark dispute but devolved into a weaponized legal campaign aimed at silencing a whistleblower who exposed serious misconduct. My complaints to federal agencies, grounded in truth and supported by substantial evidence, were met with aggressive and retaliatory litigation tactics designed to discredit me and suppress my voice. The District Court's complicity in enabling these actions has compounded the harm and undermined the public's confidence in the judiciary.

In light of the extensive violations outlined in this brief, I respectfully request that this Court intervene to correct the injustices of the lower court's proceedings. By doing so, this Court can reaffirm its commitment to fairness, accountability, and the protection of individuals who speak out against corporate misconduct.

Dated this 16th day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January 2025, a true and correct copy of the foregoing Pro Se Appellant Brief was served via PACER and via USPS Priority mail on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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

No. 24-6082

IN THE
**United States Court of Appeals
for the Sixth Circuit**

MID-AMERICA APARTMENT COMMUNITIES,
Plaintiff-Appellee,

v.

DENNIS PHILIPSON,
Defendant-Appellant.

On Appeal from the United States District Court
for the Western District of Tennessee
No. 2:23-cv-02186, Hon. Sheryl H. Lipman

NOTICE OF CHANGE OF ADDRESS

Paige W. Mills
BASS, BERRY & SIMS PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
(615) 742-6200

John Golwen
Jordan Thomas
BASS, BERRY & SIMS PLC
100 Peabody Place, Suite 1300
Memphis, Tennessee 38103
(901) 543-5903

Counsel for Appellee

PLEASE TAKE NOTICE THAT, effective January 6, 2025, the undersigned counsel with Bass, Berry & Sims PLC's Nashville office may be contacted at the following mailing address: 21 Platform Way South, Suite 3500, Nashville, TN 37203

Dated: January 17, 2025.

Respectfully submitted,

/s/ Paige W. Mills
Paige Waldrop Mills
BASS, BERRY & SIMS PLC
21 Platform Way South,
Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

John Golwen
Jordan Thomas
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 Appellee

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit via email pursuant to 6 Cir. R. 25 on January 17, 2025.

A copy of the foregoing was served upon the following counsel of record via electronic mail and U.S. Mail:

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

BASS, BERRY & SIMS PLC

/s/ Paige W. Mills

Counsel for Appellee

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
949-432-6184
mikeydphilips@gmail.com

RECEIVED
01/21/2025
KELLY L. STEPHENS, Clerk

January 14, 2025

Roy Ford - Case Manager
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

Re: Case No. 24-6082 – Request to Update Docket, Address, and Contact Information

Dear Mr. Ford,

I am writing to request the following updates for Case No. 24-6082:

1. Docket Updates:

Please see the enclosed communications and motions for addition to the docket. These include prior submissions sent via email to the Pro Se inbox that may not have been received or uploaded.

2. Contact Information Update:

- o Email: mikeydphilips@gmail.com
- o Phone: 949-432-6184
- o Address: 6178 Castletown Way, Alexandria, VA 22310-1634

3. Status of Motion for Reasonable Accommodation:

Please provide an update regarding the review of my Motion for Reasonable Accommodation (submitted December 10, 2024).

Thank you for your assistance. Please confirm receipt of this letter and the addition of the enclosed documents to the docket.

Sincerely,
Dennis Philipson

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
949-432-6184
mikeydphilips@gmail.com

January 9, 2025

Clerk of Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

Re: Case No. 24-6082 – Request to Update Docket, Address, and Contact Information

Dear Clerk of Court,

I am writing to request the following updates for Case No. 24-6082:

1. Docket Updates:

Please see the enclosed communications and motions for addition to the docket. These include prior submissions sent via email to the Pro Se inbox that may not have been received or uploaded.

2. Contact Information Update:

- o Email: mikeydphilips@gmail.com
- o Phone: 949-432-6184
- o Address: 6178 Castletown Way, Alexandria, VA 22310-1634

3. Status of Motion for Reasonable Accommodation:

Please provide an update regarding the review of my Motion for Reasonable Accommodation (submitted December 10, 2024).

Thank you for your assistance. Please confirm receipt of this letter and the addition of the enclosed documents to the docket.

Sincerely,
Dennis Philipson

RECEIVED

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1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence



Dee Philips <mikeydphilips@gmail.com>

Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

Dee Philips <mikeydphilips@gmail.com>
To: Dee Philips <mikeydphilips@gmail.com>

Thu, Jan 9, 2025 at 10:25 PM

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

From: **Dee Philips** <mikeydphilips@gmail.com>
Date: Thu, Jan 9, 2025 at 3:47 PM
Subject: Re: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence
To: <Roy.Ford@ca6.uscourts.gov>, <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>, <Mandy.Shoemaker@ca6.uscourts.gov>, <Kelly.Stephens@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>

Hello Clerks Office,

I hope you're well. I realize that today is President Carter's National Day of Mourning and wanted to acknowledge this in case it impacts response times. I left voicemails with both the Clerk's Office and the Circuit Executive requesting a call back. Maybe my previous emails were not received due to potential issues with the court's email server?

To ensure my filings are received, I will be sending express mailings tonight to both the Clerk's Office and the judges, containing my motions and correspondence that I previously attempted to submit electronically. I just want to ensure all parties at the court receive them in a timely manner. I will send the Motion for Reasonable Accommodation (Docket #5), December 2, 2024 email (added as Docket Entry #11), PACER email update inquiry, December 30, 2024 email submission, regulated communication request regarding opposing counsel, January 3, 2025 PDF resubmission, procedural inquiries regarding case manager contact and Clerk's Office email.

I've attached a copy of this correspondence for reference and inclusion in the docket. I will share the tracking information as soon as I receive it.

Thank you again for your assistance and understanding as I navigate this extremely difficult process.

Sincerely,
Dennis Philipson

On Wed, Jan 8, 2025 at 2:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

Dear Ms. Stephens, Ms. Shoemaker, Mr. Ford, and the Clerk's Office,

I am following up on unresolved matters in Case #24-6082 and reiterating my concerns about procedural obstacles related to electronic submissions and notifications.

I submitted my Motion for Reasonable Accommodation (Docket #5) on December 10, 2024. Could you please provide an update on when this motion will be reviewed? The outcome is critical to ensuring that I can submit documents and meet filing deadlines.

I have also requested confirmation that my email address (mikeydphilips@gmail.com) has been updated in PACER so I can receive case notifications.

Regarding Docket Entry #11, my December 2, 2024 email was added to the docket as "correspondence" on December 23, 2024 without a PDF attachment or my consent. I would appreciate clarification on the following:

- Who authorized this submission?
- Why was it classified as docket correspondence?
- *Sent USPS Priority Mail Express on January 14, 2025; emailed January 2, 7, and 8. Second copy sent due to USPS delays.

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

- Why was there a 21-day delay in uploading it, and why was this particular correspondence uploaded while others were not? I also seem to have ongoing issues getting other correspondence uploaded in a timely manner.

On January 3, 2025, I received an email stating:

"No action will be taken from this email, as no PDF pleading was attached. All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail."

In response, I resubmitted my correspondence as PDFs via the Pro Se E-filing email but have received no confirmation of their inclusion in the docket. This process has made it difficult to submit documents and receive timely updates despite my request for reasonable accommodation. Additionally, having to submit documents by mail causes unjust delays and further impacts my ability to meet important deadlines.

To avoid any misunderstandings, I prefer not to communicate by phone and request that all correspondence with the court be properly documented in writing.

Although opposing counsel has not contacted me since I reminded them in late December 2024 not to do so due to past experiences, I believe my request for regulated interaction should still be reviewed to prevent any future issues. My Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel (filed in Case #24-5614) was prompted by prior experiences involving what I perceived as excessive and distressing communication. These challenges highlight the importance of written communication and minimal reliance on phone calls for procedural updates to ensure a transparent and documented process.

Additionally, could you clarify who manages the Pro Se E-filing inbox? Is it handled by the Clerk's Office staff, staff attorneys, or another department? Understanding this may help clarify any delays and improve communication going forward.

While I await confirmation of electronic filing capabilities, I will continue sending physical copies of my submissions to avoid further delays. Please confirm that my attached documents have been included in the docket and address the questions listed above.

Thank you for your attention to these issues. I look forward to your prompt response.

Sincerely,
Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310-1634

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

From: **Dee Philips** <mikeydphilips@gmail.com>
Date: Tue, Jan 7, 2025 at 11:02 AM
Subject: Docket Submission, Case Update, and PACER Email Confirmation
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>

Good Morning,

I hope this message finds you well.

I am following up to confirm that the attached documents have been added to the docket for Docket #24-6082. Could you kindly verify their inclusion? Additionally, I would appreciate an update from Roy regarding the timeline for when my Motion for Reasonable Accommodation (Docket #5, filed 12/10/2024) will be reviewed. Please forward this email to the appropriate contacts if necessary.

Further, could you confirm whether my email address has been updated in PACER? Ensuring my contact information is correct is essential for receiving timely case notifications and updates.

Thank you for your assistance and attention to these matters.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025 at 8:41 AM Dee Philips <mikeydphilips@gmail.com> wrote:
Dear Court,

*Sent USPS Priority Mail Express on January 14, 2025; emailed January 2, 7, and 8. Second copy sent due to USPS delays.

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

May I ask why my correspondence from December 2nd was added to the docket (#11) without a PDF attachment or my prior consent? I noticed that the email instructing Roy to make this addition was sent from the Pro Se email box.

Please add the attached PDF correspondence to the docket as a formal submission of correspondence.

Additionally, I respectfully request that all communication with the court be in writing. To ensure timely and accurate correspondence, please provide electronic means to communicate with the clerk and the assigned case manager, including an email address for inquiries regarding procedural matters.

Thank you for your time and attention to this request. I look forward to your confirmation.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025, 7:23 AM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken from this email, as no PDF pleading was attached.

All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail.

From: Dee Philips <mikeydphilips@gmail.com>
Sent: Thursday, January 2, 2025 7:18 PM
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>
Subject: Please Add Correspondence for Docket #: 24-6082.

CAUTION - EXTERNAL:

Good evening,

Please include this correspondence and the prior communication from 12/30/24 in Docket #: 24-6082.

1. When will my request for reasonable accommodation, submitted on 12/10/2024 (Docket #5), be reviewed by the court? It is critical for me to ensure I can meet deadlines, given the immense amount of learning and research required for my appellant brief.
2. I previously inquired about the procedures for updating my email address with the court, as I was unable to locate the relevant procedure or form online. Ensuring my email is updated will allow me to receive timely and accurate updates from PACER.
3. I am requesting the contact information for the case manager assigned to this docket for purposes of electronic correspondence.
4. Is there a dedicated email address for the Clerk's Office to address general inquiries (excluding legal questions)?

Thank you,
Dennis Philipson

On Mon, Dec 30, 2024 at 12:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

*Sent USPS Priority Mail Express on January 14, 2025; emailed January 2, 7, and 8. Second copy sent due to USPS delays.

1/9/25, 10:25 PM

Gmail - Fwd: 24-6082 - Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

Hello.

I am writing to respectfully inquire about the status of my Motion for Reasonable Accommodation, which I recently filed in the above-referenced case. Specifically, I would appreciate an update on when the Court anticipates reviewing this motion, as its resolution is critical to ensuring my meaningful participation in the appellate process.

Additionally, I am seeking clarification on the appropriate procedure for contacting the assigned case manager. If you are unable to provide this information directly, I kindly request that this inquiry be forwarded to the appropriate individual or department for further assistance.

I would also like to respectfully note that the Court's compliance with the Americans with Disabilities Act (ADA) ensures accessibility and equitable participation in judicial proceedings. Pursuant to the ADA, courts are required to provide reasonable accommodations to individuals with disabilities to eliminate barriers to justice. Furthermore, the Sixth Circuit's adherence to federal procedural rules underscores the importance of timely consideration of such requests to uphold these fundamental principles.

I appreciate your time and assistance in this matter and look forward to your response.

Thanks,

Dennis Philipson

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.



01-09-2025 - 24-6082 - Correspondence to Clerks Office, Pro Se Email, Case Manager, Judges of Court
Regarding previous submissions, USPS Express Mailings.pdf
98K

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

V.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

)
)
) Correspondence to Clerks Office. Pro Se
) Email, Case Manager, Judges of
) Court Regarding previous submissions
) (January 9, 2025)
)

Hello Clerks Office,

I hope you're well. I realize that today is President Carter's National Day of Mourning and wanted to acknowledge this in case it impacts response times. I left voicemails with both the Clerk's Office and the Circuit Executive requesting a call back. Maybe my previous emails were not received due to potential issues with the court's email server?

To ensure my filings are received, I will be sending express mailings tonight to both the Clerk's Office and the judges, containing my motions and correspondence that I previously attempted to submit electronically. I just want to ensure all parties at the court receive them in a timely manner. I will send the Motion for Reasonable Accommodation (Docket #5), December 2, 2024 email (added as Docket Entry #11), PACER email update inquiry, December 30, 2024 email submission, regulated communication request regarding opposing counsel, January 3, 2025 PDF resubmission, procedural inquiries regarding case manager contact and Clerk's Office email.

I've attached a copy of this correspondence for reference and inclusion in the docket. I will share the tracking information as soon as I receive it.

*Sent USPS Priority Mail Express on January 14, 2025; emailed January 2, 7, and 8. Second copy sent due to USPS delays.

Page 2 of 3

Thank you again for your assistance and understanding as I navigate this extremely difficult process.

Sincerely,

Dennis Philipson

Dated this 9th day of January 2025.

*Respectfully submitted,
/s/ Dennis Michael Philipson*



Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way - Alexandria, VA 22310

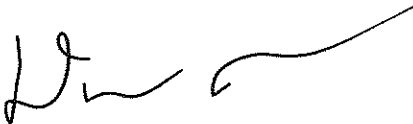
Certificate of Service

I hereby certify that on January 9, 2025, a true and correct copy of the foregoing Notice of Appeal was served via PACER, pending upload from CA06 Pro Se Efiling@ca6.uscourts.gov & Case Manager upon the following counsel for Plaintiff-Appellee:

Paige Waldrop Mills, BPR No. 016218
BASS, BERRY & SIMS PLC
Suite 2800
150 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

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant-Appellant



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,)	
Plaintiff-Appellee,	)	NOTICE OF CONTACT
	)	INFORMATION AND INQUIRY
v.	)	INQUIRY REGARDING DOCKETED
	)	DOCKETED "CORRESPONDANCE"
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant)	

To the Clerk of Court and all parties of record,

I, Dennis Philipson, hereby notify the Court and counsel of record of the following contact information for purposes of all future correspondence and case-related communications in the above-captioned case:

1. **Mailing Address (Unchanged):**

6178 Castletown Way
Alexandria, VA 22310

2. **Phone Number:**

(949) 432-6184

3. **Email Address:**

mikeydphilips@gmail.com

In addition, I respectfully request that I continue to receive case-related notifications both via U.S. mail and electronically, including PACER notifications for docket entries, filings, and court decisions. This request is consistent with my Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel filed on December 10, 2024.

To date, I am unaware of any review or decision on my requested reasonable accommodation. As such, I am including this notice as part of my pending motion for reasonable accommodation to confirm that this contact information remains current and up to date for purposes of communication by the Clerk's Office and opposing counsel.

Additionally, I respectfully seek clarification from the Clerk's Office regarding the docket entry of an email dated December 2, 2024, (Dkt #11) which was subsequently uploaded to the official case record as "correspondence" 21 days later. Specifically, I request an explanation as to:

1. The individual or office responsible for initiating the submission of this email to the docket;
2. The reason for classifying the email as official correspondence and placing it in the official case record;
3. The rationale for the delayed upload to the docket.

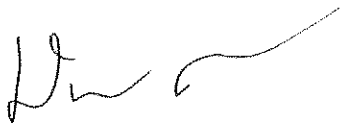
Page 2 of 3

As the email in question was not intended to constitute an official filing, I respectfully request guidance regarding any procedural or administrative concerns that led to its inclusion in the case record and whether any further clarification or corrective measures are necessary.

Please update the Court's records accordingly, and should further action be required, please inform me promptly.

Dated this 3rd day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson



Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January 2025, a true and correct copy of the foregoing Notice of Change and Confirmation of Contact Information was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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



Contact Information for Docket #: 24-6082.

1 message

Dee Philips <mikeydphilips@gmail.com>
To: ca06-ecf-help@ca6.uscourts.gov
Cc: Dee Philips <mikeydphilips@gmail.com>

Thu, Jan 2, 2025 at 9:43 PM

Good evening,

Please see the email below regarding a few questions I had about obtaining contact information and a form to update my email address within PACER and the court. I am still not receiving docket notifications.

Thank you for your assistance.

Sincerely,
Dennis Philipson

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

From: **Dee Philips** <mikeydphilips@gmail.com>
Date: Thu, Jan 2, 2025 at 7:17 PM
Subject: Please Add Correspondence for Docket #: 24-6082.
To: <ca06_pro_se_e_filing@ca6.uscourts.gov>
Cc: Dee Philips <mikeydphilips@gmail.com>

Good evening,

Please include this correspondence and the prior communication from 12/30/24 in Docket #: 24-6082.

1. When will my request for reasonable accommodation, submitted on 12/10/2024 (Docket #5), be reviewed by the court? It is critical for me to ensure I can meet deadlines, given the immense amount of learning and research required for my appellant brief.
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3. I am requesting the contact information for the case manager assigned to this docket for purposes of electronic correspondence.
4. Is there a dedicated email address for the Clerk's Office to address general inquiries (excluding legal questions)?

Thank you,
Dennis Philipson

On Mon, Dec 30, 2024 at 12:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:
Hello,

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Additionally, I am seeking clarification on the appropriate procedure for contacting the assigned case manager. If you are unable to provide this information directly, I kindly request that this inquiry be forwarded to the appropriate individual or department for further assistance.

I would also like to respectfully note that the Court's compliance with the Americans with Disabilities Act (ADA) ensures accessibility and equitable participation in judicial proceedings. Pursuant to the ADA, courts are required to provide reasonable accommodations to individuals with disabilities to eliminate barriers to justice. Furthermore, the Sixth Circuit's adherence to federal procedural rules underscores the importance of timely consideration of such requests to uphold these fundamental principles.

*Sent USPS Priority Mail Express on January 14, 2025; emailed January 2, 7, and 8. Second copy sent due to USPS delays.
I appreciate your time and assistance in this matter and look forward to your response.

Thanks,

Case: 24-6082

Document: 16

Filed: 01/21/2025

Page: 15

(155 of 857)

Dennis Philipson



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EP14PE July 2022
ID: 9.5 x 12.5

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PRIORITY MAIL®	
PRINT AND SHIP EXPRESS PO BOX 6880 BURKEVA 22015	JAN 21 2025 3.00 oz RDC 03
KELLY L. STEPHENS, Clerk EXPECTED DELIVERY DAY: 01/17/25	
SHIP TO:	ROY FORD POTTER STEWART US COURTHOUSE 100 EAST FIFTH ST CINCINNATI OH 45202
USPS SIGNATURE® TRACKING NBR	
9510 8066 9911 5014 9421 38	

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Additionally, I am happy to provide extensive medical documentation of my conditions to support my requests for reasonable accommodations and to underscore the necessity of addressing these procedural concerns to ensure my meaningful access to the Court's processes.

1. Direct Handling of Documents by Chief Judge Sutton

- On January 9, 2025, I sent documents (Docket No. 15) via USPS Express Mail directly addressed to Chief Judge Sutton (Docket No. 15, Pg 1, 43 & 44) concerning administrative matters of this Court. These documents were previously submitted in PDF form to the Pro Se E-filing Inbox for upload. I have concerns regarding the handling of these documents, as they were later stamped by Clerk Kelly Stephens (Docket No. 15, pg 1). This raises questions about whether the documents were opened by the Clerk's Office before reaching Judge Sutton, or if they were redirected back to the Clerk's Office after delivery.

Request for Clarification:

- Confirmation that Chief Judge Sutton personally received the documents.
- Clarification on whether Judge Sutton reviewed the documents himself or if they were handled by the Clerk's Office prior to his review.

2. Electronic Communication with the Clerk's Office & Pro Se E-mail Box

I have encountered significant challenges in receiving timely responses from the Pro Se E-mail Box, leading to procedural delays and unnecessary costs. These difficulties are exacerbated by my disabilities, which intensify anxiety while waiting for responses. Efficient and direct electronic communication is essential for managing my case effectively and mitigating undue stress.

Delays in Document Uploading

Despite promptly sending documents to the Pro Se E-filing Inbox, I have experienced delays of up to 15

days for these documents to be uploaded to my docket. This forced me to ultimately mail the documents via express shipping, incurring a cost of \$28.00, to ensure their timely receipt. This significant delay contrasts sharply with the immediate access to filing systems that attorneys enjoy.

Unauthorized Document Upload and Delay

Additionally, a comment from an email expressing my intent to appeal was uploaded to my docket without my consent and was delayed by approximately three weeks (Docket No. 11). This email was not sent in PDF form nor was it intended for docketing; rather, it was forwarded by the Pro Se Inbox to the case manager. The reasons for its late addition and unauthorized inclusion in the docket are unclear and troubling.

Requests for Clarification:

Access to Clerk's Office Email:

- Can the Court clarify whether a direct email address for the Clerk's Office is available for pro se litigants to enable more reliable and direct communication?
- Currently, I do not have this email, which complicates my ability to inquire about procedural matters and ensure timely processing of my documents.

Improved Response and Upload Times:

- Can the Court clarify the expected timeline for the Pro Se E-filing Inbox to respond to submissions and inquiries?
- Why are documents with PDF attachments, which are necessary for my case progression, not uploaded in a timely manner?
- This inconsistency has forced me to resort to express shipping at significant cost to ensure timely docketing of my filings.

Reevaluation of Pro Se Litigant Submissions:

- How does the Court ensure that pro se litigants' submissions are processed equitably compared

to those of represented parties?

- In light of Federal Rule of Appellate Procedure 1, which mandates that the rules be construed to secure a "just, speedy, and inexpensive determination of every appellate proceeding," can the Court reevaluate the current processes to address disparities in access and treatment?
- The Local Rules of the Sixth Circuit also emphasize equitable access to court resources. How are these principles applied to mitigate the financial and procedural burdens faced by pro se litigants like myself?
- These clarifications are necessary not only to uphold the principles of fairness and equal treatment but also to ensure that my ability to participate effectively in the legal process is not unduly hindered by administrative inefficiencies.

3. Management of the Pro Se E-filing Inbox

Understanding who manages the Pro Se E-filing Inbox is crucial to ensure that my communications are handled promptly and appropriately. Given the significant delays and the necessity of using express shipping to ensure timely docketing, transparency and accountability in this process are paramount. Typically, when I send something to the Clerk's Office, I assume that the Clerk's Office staff handle it. However, when sending communications to the Pro Se E-filing Inbox, it is not clear who is responsible. Research suggests it could be managed by staff attorneys or Pro Se Law Clerks.

Requests for Clarification:

- **Responsibility for Management:**
 - Who is specifically responsible for managing the Pro Se E-filing Inbox?
 - Is it handled by the Clerk's Office staff, staff attorneys, or another department such as Pro Se Law Clerks?
 - Clarification on this would help in understanding how my submissions are processed and

by whom.

- **Procedures for Document Handling:**

- What specific procedures are followed to review and select documents for uploading?
- Are these decisions made based on established guidelines to ensure they are not handled arbitrarily?
- Knowing the standard operating procedures can help ensure that my filings are treated fairly and with due consideration.

- **Compliance and Fairness:**

- How does the court ensure compliance with Federal Rule of Appellate Procedure 25, particularly in supporting the principles of fairness and efficient management of electronic filings?
- Additionally, how does the court's procedure align with the principles of due process and administrative fairness?

By addressing these requests for clarification, the Court can help guarantee that all litigants, especially pro se litigants who may not have the same resources as represented parties, receive fair and equal treatment under the law.

4. Regulated Communication with Opposing Counsel

- I would like to seek clarification regarding my prior motion requesting regulated communication with opposing counsel. My goal is to ensure that I do not have to directly interact with Ms. Mills or her staff, as such interactions significantly exacerbate my anxiety and mental health issues. Despite my previous efforts to clarify and reiterate this request to attorneys Mr. Golwen and Ms. Thomas, including on at least two occasions within the last 45 days, I have observed that the requested boundaries are not being upheld. I continue to receive direct communications from Ms.

Mills's office, which negatively impacts my mental well-being.

- Furthermore, I have not received any acknowledgment or response to my emails from either Mr. Golwen or Ms. Thomas. To date, my only interaction with Mr. Golwen was during a scheduling conference call in September 2023, and I am aware that Ms. Thomas has drafted some documents for the case. However, as representatives of the opposing counsel, it seems reasonable to expect at least acknowledgment of my correspondence or clarification regarding the requested regulated communication..

Request for Clarification:

I respectfully seek a review of my motion for regulated communication (Docket No. 5 & 6) and clarification on the procedures currently in place. Specifically, I would appreciate confirmation that communication from Ms. Mills's office is routed through a designated intermediary until my request for regulated communication is formally reviewed and addressed by the court.

5. Barriers to Access for Pro Se Litigant

- The absence of direct electronic communication, the delays in uploading documents to the docket, and the significant geographical distance create substantial barriers that are exacerbated by my mental health conditions, including anxiety, depression, and mood disorders. These obstacles compromise my ability to communicate effectively with the Court, significantly increase my mental distress, and often force me to resort to express mailing documents at a considerable expense of \$28 to meet deadlines.

Relevant Context:

- The Americans with Disabilities Act (ADA) and related regulations require the Court to make necessary adjustments to ensure I have meaningful access to its processes. These adjustments should specifically address the unique challenges posed by mental health conditions, facilitating

easier communication and reducing unnecessary stress.

Request for Clarification:

I seek clarification regarding the status of my previously submitted Motion for Reasonable Accommodation. Specifically:

- Has this motion been reviewed or prioritized in light of the accessibility challenges I have outlined?
- Are there interim measures available to address these barriers, such as enabling direct electronic communication or expedited document processing, while my motion is under review?

Conclusion

I am seeking the Court's assistance in clarifying the following critical matters that directly impact my ability to participate fairly and effectively in these proceedings. Specifically, I request clarification regarding:

1. The handling of documents personally addressed to Chief Judge Sutton, including whether they were reviewed directly by him or handled by the Clerk's Office prior to his review.
2. Improvements in response times from the Clerk's Office and the Pro Se E-filing Inbox, and the possibility of providing a direct email address for procedural inquiries to mitigate delays and unnecessary financial burdens.
3. The management and procedures of the Pro Se E-filing Inbox, including who is responsible for managing submissions and the protocols for reviewing and uploading documents to the docket.
4. The status and enforcement of regulated communication measures detailed in my motion, to prevent direct interactions with opposing counsel that continue to adversely affect my mental well-being.
5. The status and review of my previously submitted Motion for Reasonable Accommodation to address barriers posed by my mental health conditions and ensure compliance with the

Americans with Disabilities Act (ADA).

Timely clarification and action on these matters are critical to ensuring my equitable participation in these proceedings. These steps are necessary not only to uphold fairness and due process but also to ensure that all litigants, regardless of representation, are treated with the dignity and respect they deserve under the law.

Dated this 18th day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January 2025, a true and correct copy of the foregoing Motion for Review and Enforcement of Requested Accommodations and Communication Regulations was served via PACER and via USPS mail on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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



Dee Philips <mikeydphilips@gmail.com>

Assistance with Docket Upload for Case No. 24-6082

Dee Philips <mikeydphilips@gmail.com>

Thu, Jan 16, 2025 at 4:44 PM

To: connections@ca6.uscourts.gov, CA06-Mediation@ca6.uscourts.gov, WebSupport@ca6.uscourts.gov, ca06-conf@ca6.uscourts.gov

Cc: Dee Philips <mikeydphilips@gmail.com>

I hope this message finds you well.

Could you please assist me with uploading the attached document to the docket? I've been experiencing issues with the Pro Se email box and am unsure if it's not accepting PDF files. This pertains to Case No. 24-6082.

Thank you in advance for your help.

Best regards,
Dennis Philipson

RECEIVED
01/22/2025
KELLY L. STEPHENS, Clerk

On Thu, Jan 16, 2025 at 3:53 PM Dee Philips <mikeydphilips@gmail.com> wrote:

Again, please add these PDFs to my docket

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

From: **Dee Philips** <mikeydphilips@gmail.com>

Date: Tue, Jan 14, 2025 at 1:51 PM

Subject: Re: Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence

To: <Roy.Ford@ca6.uscourts.gov>, <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>, <Mandy.Shoemaker@ca6.uscourts.gov>, <Kelly.Stephens@ca6.uscourts.gov>, <jordan.thomas@bassberry.com>, <jgolwen@bassberry.com>, Dee Philips <mikeydphilips@gmail.com>

Dear Clerk of the Court,

I am writing to request that the four attached documents be added to the docket for Case No. 24-6082, along with the documents and correspondence I previously submitted and requested to be uploaded.

This email serves as my fourth attempt to address unresolved docketing and procedural concerns in Case No. 24-6082. Attached is my Motion to Request Docketing of Submitted Documents and Status Update on Motion for Reasonable Accommodation.

I have previously submitted documents for docketing on January 2, January 7, and January 8, 2025, but I have not received confirmation that they were uploaded. Additionally, I called the Clerk's Office on January 9, 2025, and did not receive a return call. I am submitting this motion to ensure that my prior filings are included in the docket and to request an update on the review of my Motion for Reasonable Accommodation (Docket #5), which was filed on December 10, 2024.

The continued lack of acknowledgment has created significant procedural barriers and delayed my ability to meet filing deadlines. I am also requesting confirmation that my email address (mikeydphilips@gmail.com) has been updated in PACER to ensure I receive electronic case notifications.

I am sending this motion by express mail as an additional measure to ensure the Court receives it. Opposing counsel has also been served a copy to ensure transparency.

Please confirm receipt of this email and the inclusion of my attached motion in the docket.

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,
Dennis Philipson
6178 Castletown Way

Alexandria, VA 22310
mikeydphilips@gmail.com

On Wed, Jan 8, 2025 at 2:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

Dear Ms. Stephens, Ms. Shoemaker, Mr. Ford, and the Clerk's Office,

I am following up on unresolved matters in Case #24-6082 and reiterating my concerns about procedural obstacles related to electronic submissions and notifications.

I submitted my Motion for Reasonable Accommodation (Docket #5) on December 10, 2024. Could you please provide an update on when this motion will be reviewed? The outcome is critical to ensuring that I can submit documents and meet filing deadlines.

I have also requested confirmation that my email address (mikeydphilips@gmail.com) has been updated in PACER so I can receive case notifications.

Regarding Docket Entry #11, my December 2, 2024 email was added to the docket as "correspondence" on December 23, 2024 without a PDF attachment or my consent. I would appreciate clarification on the following:

- Who authorized this submission?
- Why was it classified as docket correspondence?
- Why was there a 21-day delay in uploading it, and why was this particular correspondence uploaded while others were not? I also seem to have ongoing issues getting other correspondence uploaded in a timely manner.

On January 3, 2025, I received an email stating:

"No action will be taken from this email, as no PDF pleading was attached. All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail."

In response, I resubmitted my correspondence as PDFs via the Pro Se E-filing email but have received no confirmation of their inclusion in the docket. This process has made it difficult to submit documents and receive timely updates despite my request for reasonable accommodation. Additionally, having to submit documents by mail causes unjust delays and further impacts my ability to meet important deadlines.

To avoid any misunderstandings, I prefer not to communicate by phone and request that all correspondence with the court be properly documented in writing.

Although opposing counsel has not contacted me since I reminded them in late December 2024 not to do so due to past experiences, I believe my request for regulated interaction should still be reviewed to prevent any future issues. My Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel (filed in Case #24-5614) was prompted by prior experiences involving what I perceived as excessive and distressing communication. These challenges highlight the importance of written communication and minimal reliance on phone calls for procedural updates to ensure a transparent and documented process.

Additionally, could you clarify who manages the Pro Se E-filing inbox? Is it handled by the Clerk's Office staff, staff attorneys, or another department? Understanding this may help clarify any delays and improve communication going forward.

While I await confirmation of electronic filing capabilities, I will continue sending physical copies of my submissions to avoid further delays. Please confirm that my attached documents have been included in the docket and address the questions listed above.

Thank you for your attention to these issues. I look forward to your prompt response.

Sincerely,
Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310-1634

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

From: **Dee Philips** <mikeydphilips@gmail.com>

Date: Tue, Jan 7, 2025 at 11:02 AM

Subject: Docket Submission, Case Update, and PACER Email Confirmation

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>

Cc: Dee Philips <mikeydphilips@gmail.com>

Good Morning,

I hope this message finds you well.

I am following up to confirm that the attached documents have been added to the docket for Docket #24-6082. Could you kindly verify their inclusion? Additionally, I would appreciate an update from Roy regarding the timeline for when my Motion for Reasonable Accommodation (Docket #5, filed 12/10/2024) will be reviewed. Please forward this email to the appropriate contacts if necessary.

Further, could you confirm whether my email address has been updated in PACER? Ensuring my contact information is correct is essential for receiving timely case notifications and updates.

Thank you for your assistance and attention to these matters.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025 at 8:41 AM Dee Philips <mikeydphilips@gmail.com> wrote:

Dear Court,

May I ask why my correspondence from December 2nd was added to the docket (#11) without a PDF attachment or my prior consent? I noticed that the email instructing Roy to make this addition was sent from the Pro Se email box.

Please add the attached PDF correspondence to the docket as a formal submission of correspondence.

Additionally, I respectfully request that all communication with the court be in writing. To ensure timely and accurate correspondence, please provide electronic means to communicate with the clerk and the assigned case manager, including an email address for inquiries regarding procedural matters.

Thank you for your time and attention to this request. I look forward to your confirmation.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025, 7:23 AM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken from this email, as no PDF pleading was attached.

All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail.

From: Dee Philips <mikeydphilips@gmail.com>

Sent: Thursday, January 2, 2025 7:18 PM

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>

Cc: Dee Philips <mikeydphilips@gmail.com>

Subject: Please Add Correspondence for Docket #: 24-6082.

CAUTION - EXTERNAL:

Good evening,

Please include this correspondence and the prior communication from 12/30/24 in Docket #: 24-6082.

1. When will my request for reasonable accommodation, submitted on 12/10/2024 (Docket #5), be reviewed by the court? It is critical for me to ensure I can meet deadlines, given the immense amount of learning and research required for my appellant brief.
2. I previously inquired about the procedures for updating my email address with the court, as I was unable to locate the relevant procedure or form online. Ensuring my email is updated will allow me to receive timely and accurate updates from PACER.
3. I am requesting the contact information for the case manager assigned to this docket for purposes of electronic correspondence.
4. Is there a dedicated email address for the Clerk's Office to address general inquiries (excluding legal questions)?

Thank you,
Dennis Philipson

On Mon, Dec 30, 2024 at 12:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

Hello,

I am writing to respectfully inquire about the status of my Motion for Reasonable Accommodation, which I recently filed in the above-referenced case. Specifically, I would appreciate an update on when the Court anticipates reviewing this motion, as its resolution is critical to ensuring my meaningful participation in the appellate process.

Additionally, I am seeking clarification on the appropriate procedure for contacting the assigned case manager. If you are unable to provide this information directly, I kindly request that this inquiry be forwarded to the appropriate individual or department for further assistance.

I would also like to respectfully note that the Court's compliance with the Americans with Disabilities Act (ADA) ensures accessibility and equitable participation in judicial proceedings. Pursuant to the ADA, courts are required to provide reasonable accommodations to individuals with disabilities to eliminate barriers to justice. Furthermore, the Sixth Circuit's adherence to federal procedural rules underscores the importance of timely consideration of such requests to uphold these fundamental principles.

I appreciate your time and assistance in this matter and look forward to your response.

Thanks,

Dennis Philipson

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

4 attachments

01-14-2025 - Mailed to Clerk Office - USPS Express.pdf
520K



01-14-2025 - Mailed to Roy Ford - USPS Express.pdf
571K



24-6082 - MOTION TO REQUEST DOCKETING OF SUBMITTED DOCUMENTS .pdf
102K



01-14-2025 - Mailed to Judge Sutton - USPS Express.pdf
4839K

RECEIVED

Dennis Michael Philipson

6178 Castletown Way

Alexandria, VA 22310

JAN 23 2025

KELLY L. STEPHENS, Clerk

January 19, 2025

Clerk's Office

United States Court of Appeals for the Sixth Circuit

540 Potter Stewart U.S. Courthouse

100 East Fifth Street

Cincinnati, Ohio 45202

RE: Request to Upload Motion to Docket #24-6082

Dear Clerk's Office,

Please find attached my motion, *Motion for Review and Enforcement of Requested Accommodations and Communication Regulations*, along with Exhibit A, which was emailed to the Pro Se inbox on January 18, 2025. I am also sending this document via USPS Priority Express Mail to ensure its timely upload to the docket and review of my pending motions.

As noted in the motion, this filing addresses several procedural concerns that are critical to my ability to participate in these proceedings as a pro se litigant. These concerns are further exacerbated by my geographical distance from the court.

For clarity, I sent this document directly to the Pro Se E-filing Inbox and am submitting this additional hard copy as a precaution to ensure that it is promptly received and docketed. If there are any issues with this filing or additional steps required, please let me know.

Thank you for your attention and assistance in this matter.

Sincerely,

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant-Appellant, Pro Se

MikeyDPhilips@gmail.com

6178 Castletown Way

Alexandria, VA 22310

RECEIVED

JAN 23 2025

KELLY L. STEPHENS, Clerk **UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**
24-6082

MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,	)	MOTION FOR REVIEW
Plaintiff-Appellee,	)	AND ENFORCEMENT OF
v.	)	REQUESTED ACCOMADATIONS
	)	AND COMMUNICATION
DENNIS MICHAEL PHILIPSON,	)	REGULATIONS
Defendant-Appellant	)	(January 18, 2025)

To the Honorable Judges of the United States Court of Appeals for the Sixth Circuit

Pursuant to the Federal Rules of Appellate Procedure and the Americans with Disabilities Act, I, Dennis Michael Philipson, Defendant-Appellant, appearing pro se, hereby submit this motion to request the Court's review and enforcement of previously submitted requests contained within my motions filed on December 10, 2024, for reasonable accommodations and regulated communication measures (Docket No. 5 & 6). This motion is critical for addressing my ability to participate fully and fairly in these proceedings, given my specific disabilities that significantly impact my communication and mental health.

I have made every attempt to get many of these questions answered before filing this motion by asking several different individuals within the court. Please see Exhibit A for a detailed record of these communications. I believe these questions are procedural in nature, not legal, as they pertain to the administrative processes of the Court—processes that I cannot observe or verify first-hand due to my geographical distance from the Court. This limitation further compounds the challenges I face as a pro se litigant.

Additionally, I am happy to provide extensive medical documentation of my conditions to support my requests for reasonable accommodations and to underscore the necessity of addressing these procedural concerns to ensure my meaningful access to the Court's processes.

1. Direct Handling of Documents by Chief Judge Sutton

- On January 9, 2025, I sent documents (Docket No. 15) via USPS Express Mail directly addressed to Chief Judge Sutton (Docket No. 15, Pg 1, 43 & 44) concerning administrative matters of this Court. These documents were previously submitted in PDF form to the Pro Se E-filing Inbox for upload. I have concerns regarding the handling of these documents, as they were later stamped by Clerk Kelly Stephens (Docket No. 15, pg 1). This raises questions about whether the documents were opened by the Clerk's Office before reaching Judge Sutton, or if they were redirected back to the Clerk's Office after delivery.

Request for Clarification:

- Confirmation that Chief Judge Sutton personally received the documents.
- Clarification on whether Judge Sutton reviewed the documents himself or if they were handled by the Clerk's Office prior to his review.

2. Electronic Communication with the Clerk's Office & Pro Se E-mail Box

I have encountered significant challenges in receiving timely responses from the Pro Se E-mail Box, leading to procedural delays and unnecessary costs. These difficulties are exacerbated by my disabilities, which intensify anxiety while waiting for responses. Efficient and direct electronic communication is essential for managing my case effectively and mitigating undue stress.

Delays in Document Uploading

Despite promptly sending documents to the Pro Se E-filing Inbox, I have experienced delays of up to 15

days for these documents to be uploaded to my docket. This forced me to ultimately mail the documents via express shipping, incurring a cost of \$28.00, to ensure their timely receipt. This significant delay contrasts sharply with the immediate access to filing systems that attorneys enjoy.

Unauthorized Document Upload and Delay

Additionally, a comment from an email expressing my intent to appeal was uploaded to my docket without my consent and was delayed by approximately three weeks (Docket No. 11). This email was not sent in PDF form nor was it intended for docketing; rather, it was forwarded by the Pro Se Inbox to the case manager. The reasons for its late addition and unauthorized inclusion in the docket are unclear and troubling.

Requests for Clarification:

Access to Clerk's Office Email:

- Can the Court clarify whether a direct email address for the Clerk's Office is available for pro se litigants to enable more reliable and direct communication?
- Currently, I do not have this email, which complicates my ability to inquire about procedural matters and ensure timely processing of my documents.

Improved Response and Upload Times:

- Can the Court clarify the expected timeline for the Pro Se E-filing Inbox to respond to submissions and inquiries?
- Why are documents with PDF attachments, which are necessary for my case progression, not uploaded in a timely manner?
- This inconsistency has forced me to resort to express shipping at significant cost to ensure timely docketing of my filings.

Reevaluation of Pro Se Litigant Submissions:

- How does the Court ensure that pro se litigants' submissions are processed equitably compared

to those of represented parties?

- In light of Federal Rule of Appellate Procedure 1, which mandates that the rules be construed to secure a "just, speedy, and inexpensive determination of every appellate proceeding," can the Court reevaluate the current processes to address disparities in access and treatment?
- The Local Rules of the Sixth Circuit also emphasize equitable access to court resources. How are these principles applied to mitigate the financial and procedural burdens faced by pro se litigants like myself?
- These clarifications are necessary not only to uphold the principles of fairness and equal treatment but also to ensure that my ability to participate effectively in the legal process is not unduly hindered by administrative inefficiencies.

3. Management of the Pro Se E-filing Inbox

Understanding who manages the Pro Se E-filing Inbox is crucial to ensure that my communications are handled promptly and appropriately. Given the significant delays and the necessity of using express shipping to ensure timely docketing, transparency and accountability in this process are paramount.

Typically, when I send something to the Clerk's Office, I assume that the Clerk's Office staff handle it. However, when sending communications to the Pro Se E-filing Inbox, it is not clear who is responsible. Research suggests it could be managed by staff attorneys or Pro Se Law Clerks.

Requests for Clarification:

- **Responsibility for Management:**
 - Who is specifically responsible for managing the Pro Se E-filing Inbox?
 - Is it handled by the Clerk's Office staff, staff attorneys, or another department such as Pro Se Law Clerks?
 - Clarification on this would help in understanding how my submissions are processed and

by whom.

- **Procedures for Document Handling:**

- What specific procedures are followed to review and select documents for uploading?
- Are these decisions made based on established guidelines to ensure they are not handled arbitrarily?
- Knowing the standard operating procedures can help ensure that my filings are treated fairly and with due consideration.

- **Compliance and Fairness:**

- How does the court ensure compliance with Federal Rule of Appellate Procedure 25, particularly in supporting the principles of fairness and efficient management of electronic filings?
- Additionally, how does the court's procedure align with the principles of due process and administrative fairness?

By addressing these requests for clarification, the Court can help guarantee that all litigants, especially pro se litigants who may not have the same resources as represented parties, receive fair and equal treatment under the law.

4. Regulated Communication with Opposing Counsel

- I would like to seek clarification regarding my prior motion requesting regulated communication with opposing counsel. My goal is to ensure that I do not have to directly interact with Ms. Mills or her staff, as such interactions significantly exacerbate my anxiety and mental health issues. Despite my previous efforts to clarify and reiterate this request to attorneys Mr. Golwen and Ms. Thomas, including on at least two occasions within the last 45 days, I have observed that the requested boundaries are not being upheld. I continue to receive direct communications from Ms.

Mills's office, which negatively impacts my mental well-being.

- Furthermore, I have not received any acknowledgment or response to my emails from either Mr. Golwen or Ms. Thomas. To date, my only interaction with Mr. Golwen was during a scheduling conference call in September 2023, and I am aware that Ms. Thomas has drafted some documents for the case. However, as representatives of the opposing counsel, it seems reasonable to expect at least acknowledgment of my correspondence or clarification regarding the requested regulated communication..

Request for Clarification:

I respectfully seek a review of my motion for regulated communication (Docket No. 5 & 6) and clarification on the procedures currently in place. Specifically, I would appreciate confirmation that communication from Ms. Mills's office is routed through a designated intermediary until my request for regulated communication is formally reviewed and addressed by the court.

5. Barriers to Access for Pro Se Litigant

- The absence of direct electronic communication, the delays in uploading documents to the docket, and the significant geographical distance create substantial barriers that are exacerbated by my mental health conditions, including anxiety, depression, and mood disorders. These obstacles compromise my ability to communicate effectively with the Court, significantly increase my mental distress, and often force me to resort to express mailing documents at a considerable expense of \$28 to meet deadlines.

Relevant Context:

- The Americans with Disabilities Act (ADA) and related regulations require the Court to make necessary adjustments to ensure I have meaningful access to its processes. These adjustments should specifically address the unique challenges posed by mental health conditions, facilitating

easier communication and reducing unnecessary stress.

Request for Clarification:

I seek clarification regarding the status of my previously submitted Motion for Reasonable Accommodation. Specifically:

- Has this motion been reviewed or prioritized in light of the accessibility challenges I have outlined?
- Are there interim measures available to address these barriers, such as enabling direct electronic communication or expedited document processing, while my motion is under review?

Conclusion

I am seeking the Court's assistance in clarifying the following critical matters that directly impact my ability to participate fairly and effectively in these proceedings. Specifically, I request clarification regarding:

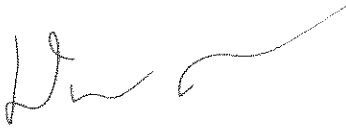
1. The handling of documents personally addressed to Chief Judge Sutton, including whether they were reviewed directly by him or handled by the Clerk's Office prior to his review.
2. Improvements in response times from the Clerk's Office and the Pro Se E-filing Inbox, and the possibility of providing a direct email address for procedural inquiries to mitigate delays and unnecessary financial burdens.
3. The management and procedures of the Pro Se E-filing Inbox, including who is responsible for managing submissions and the protocols for reviewing and uploading documents to the docket.
4. The status and enforcement of regulated communication measures detailed in my motion, to prevent direct interactions with opposing counsel that continue to adversely affect my mental well-being.
5. The status and review of my previously submitted Motion for Reasonable Accommodation to address barriers posed by my mental health conditions and ensure compliance with the

Americans with Disabilities Act (ADA).

Timely clarification and action on these matters are critical to ensuring my equitable participation in these proceedings. These steps are necessary not only to uphold fairness and due process but also to ensure that all litigants, regardless of representation, are treated with the dignity and respect they deserve under the law.

Dated this 18th day of January 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*



Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January 2025, a true and correct copy of the foregoing Motion for Review and Enforcement of Requested Accommodations and Communication Regulations was served via PACER and via USPS mail on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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 black ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal line extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

Exhibit A



Dee Philips <mikeydphilips@gmail.com>

Assistance with Docket Upload for Case No. 24-6082

Dee Philips <mikeydphilips@gmail.com>

Thu, Jan 16, 2025 at 4:44 PM

To: connections@ca6.uscourts.gov, CA06-Mediation@ca6.uscourts.gov, WebSupport@ca6.uscourts.gov, ca06-conf@ca6.uscourts.gov

Cc: Dee Philips <mikeydphilips@gmail.com>

I hope this message finds you well.

Could you please assist me with uploading the attached document to the docket? I've been experiencing issues with the Pro Se email box and am unsure if it's not accepting PDF files. This pertains to Case No. 24-6082.

Thank you in advance for your help.

Best regards,
Dennis Philipson

On Thu, Jan 16, 2025 at 3:53 PM Dee Philips <mikeydphilips@gmail.com> wrote:

Again, please add these PDFs to my docket

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

From: **Dee Philips** <mikeydphilips@gmail.com>

Date: Tue, Jan 14, 2025 at 1:51 PM

Subject: Re: Follow-up on Motion for Reasonable Accommodation, PACER Updates, and Docketed Correspondence
To: <Roy.Ford@ca6.uscourts.gov>, <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>, <Mandy.Shoemaker@ca6.uscourts.gov>, <Kelly.Stephens@ca6.uscourts.gov>, <jordan.thomas@bassberry.com>, <jgolwen@bassberry.com>, **Dee Philips** <mikeydphilips@gmail.com>

Dear Clerk of the Court,

I am writing to request that the four attached documents be added to the docket for Case No. 24-6082, along with the documents and correspondence I previously submitted and requested to be uploaded.

This email serves as my fourth attempt to address unresolved docketing and procedural concerns in Case No. 24-6082. Attached is my Motion to Request Docketing of Submitted Documents and Status Update on Motion for Reasonable Accommodation.

I have previously submitted documents for docketing on January 2, January 7, and January 8, 2025, but I have not received confirmation that they were uploaded. Additionally, I called the Clerk's Office on January 9, 2025, and did not receive a return call. I am submitting this motion to ensure that my prior filings are included in the docket and to request an update on the review of my Motion for Reasonable Accommodation (Docket #5), which was filed on December 10, 2024.

The continued lack of acknowledgment has created significant procedural barriers and delayed my ability to meet filing deadlines. I am also requesting confirmation that my email address (mikeydphilips@gmail.com) has been updated in PACER to ensure I receive electronic case notifications.

Alexandria, VA 22310
mikeydphilips@gmail.com

On Wed, Jan 8, 2025 at 2:35 PM Dee Philips <mikeydphilips@gmail.com> wrote:

Dear Ms. Stephens, Ms. Shoemaker, Mr. Ford, and the Clerk's Office,

I am following up on unresolved matters in Case #24-6082 and reiterating my concerns about procedural obstacles related to electronic submissions and notifications.

I submitted my Motion for Reasonable Accommodation (Docket #5) on December 10, 2024. Could you please provide an update on when this motion will be reviewed? The outcome is critical to ensuring that I can submit documents and meet filing deadlines.

I have also requested confirmation that my email address (mikeydphilips@gmail.com) has been updated in PACER so I can receive case notifications.

Regarding Docket Entry #11, my December 2, 2024 email was added to the docket as "correspondence" on December 23, 2024 without a PDF attachment or my consent. I would appreciate clarification on the following:

- Who authorized this submission?
- Why was it classified as docket correspondence?
- Why was there a 21-day delay in uploading it, and why was this particular correspondence uploaded while others were not? I also seem to have ongoing issues getting other correspondence uploaded in a timely manner.

On January 3, 2025, I received an email stating:

"No action will be taken from this email, as no PDF pleading was attached. All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail."

In response, I resubmitted my correspondence as PDFs via the Pro Se E-filing email but have received no confirmation of their inclusion in the docket. This process has made it difficult to submit documents and receive timely updates despite my request for reasonable accommodation. Additionally, having to submit documents by mail causes unjust delays and further impacts my ability to meet important deadlines.

To avoid any misunderstandings, I prefer not to communicate by phone and request that all correspondence with the court be properly documented in writing.

Although opposing counsel has not contacted me since I reminded them in late December 2024 not to do so due to past experiences, I believe my request for regulated interaction should still be reviewed to prevent any future issues. My Motion for Reasonable Accommodation and Regulated Interaction with Plaintiff-Appellee's Counsel (filed in Case #24-5614) was prompted by prior experiences involving what I perceived as excessive and distressing communication. These challenges highlight the importance of written communication and minimal reliance on phone calls for procedural updates to ensure a transparent and documented process.

Additionally, could you clarify who manages the Pro Se E-filing inbox? Is it handled by the Clerk's Office staff, staff attorneys, or another department? Understanding this may help clarify any delays and improve communication going forward.

While I await confirmation of electronic filing capabilities, I will continue sending physical copies of my submissions to avoid further delays. Please confirm that my attached documents have been included in the docket and address the questions listed above.

Thank you for your attention to these issues. I look forward to your prompt response.

Sincerely,
Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310-1634

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

From: **Dee Philips** <mikeydphilips@gmail.com>
Date: Tue, Jan 7, 2025 at 11:02 AM

Subject: Docket Submission, Case Update, and PACER Email Confirmation

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>, <ca06-ecf-help@ca6.uscourts.gov>

Cc: Dee Philips <mikeydphilips@gmail.com>

Good Morning,

I hope this message finds you well.

I am following up to confirm that the attached documents have been added to the docket for Docket #24-6082. Could you kindly verify their inclusion? Additionally, I would appreciate an update from Roy regarding the timeline for when my Motion for Reasonable Accommodation (Docket #5, filed 12/10/2024) will be reviewed. Please forward this email to the appropriate contacts if necessary.

Further, could you confirm whether my email address has been updated in PACER? Ensuring my contact information is correct is essential for receiving timely case notifications and updates.

Thank you for your assistance and attention to these matters.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025 at 8:41 AM Dee Philips <mikeydphilips@gmail.com> wrote:

Dear Court,

May I ask why my correspondence from December 2nd was added to the docket (#11) without a PDF attachment or my prior consent? I noticed that the email instructing Roy to make this addition was sent from the Pro Se email box.

Please add the attached PDF correspondence to the docket as a formal submission of correspondence.

Additionally, I respectfully request that all communication with the court be in writing. To ensure timely and accurate correspondence, please provide electronic means to communicate with the clerk and the assigned case manager, including an email address for inquiries regarding procedural matters.

Thank you for your time and attention to this request. I look forward to your confirmation.

Sincerely,
Dennis Philipson

On Fri, Jan 3, 2025, 7:23 AM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken from this email, as no PDF pleading was attached.

All questions can be directed to your case manager by phone (513-564-7000) or by U.S. mail.

From: Dee Philips <mikeydphilips@gmail.com>

Sent: Thursday, January 2, 2025 7:18 PM

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>

Cc: Dee Philips <mikeydphilips@gmail.com>

Subject: Please Add Correspondence for Docket #: 24-6082.

CAUTION - EXTERNAL:

Good evening,

Please include this correspondence and the prior communication from 12/30/24 in Docket #: 24-6082.

1. When will my request for reasonable accommodation, submitted on 12/10/2024 (Docket #5), be reviewed by the court? It is critical for me to ensure I can meet deadlines, given the immense amount of learning and research required for my appellant brief.
2. I previously inquired about the procedures for updating my email address with the court, as I was unable to locate the relevant procedure or form online. Ensuring my email is updated will allow me to receive timely and accurate updates from PACER.
3. I am requesting the contact information for the case manager assigned to this docket for purposes of electronic correspondence.
4. Is there a dedicated email address for the Clerk's Office to address general inquiries (excluding legal questions)?

Thank you,
Dennis Philipson

On Mon, Dec 30, 2024 at 12:35 PM Dee Phillips <mikeydphilips@gmail.com> wrote:

Hello,

I am writing to respectfully inquire about the status of my Motion for Reasonable Accommodation, which I recently filed in the above-referenced case. Specifically, I would appreciate an update on when the Court anticipates reviewing this motion, as its resolution is critical to ensuring my meaningful participation in the appellate process.

Additionally, I am seeking clarification on the appropriate procedure for contacting the assigned case manager. If you are unable to provide this information directly, I kindly request that this inquiry be forwarded to the appropriate individual or department for further assistance.

I would also like to respectfully note that the Court's compliance with the Americans with Disabilities Act (ADA) ensures accessibility and equitable participation in judicial proceedings. Pursuant to the ADA, courts are required to provide reasonable accommodations to individuals with disabilities to eliminate barriers to justice. Furthermore, the Sixth Circuit's adherence to federal procedural rules underscores the importance of timely consideration of such requests to uphold these fundamental principles.

I appreciate your time and assistance in this matter and look forward to your response.

Thanks,

Dennis Philipson

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

4 attachments



01-14-2025 - Mailed to Clerk Office - USPS Express.pdf
520K



01-14-2025 - Mailed to Roy Ford - USPS Express.pdf
571K



24-6082 - MOTION TO REQUEST DOCKETING OF SUBMITTED DOCUMENTS .pdf
102K



01-14-2025 - Mailed to Judge Sutton - USPS Express.pdf
4839K

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01/14/2025

Mailed from 22310 639186615478998

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PRINT & SHIP EXPRESS
3015 AIRWAYS BLVD
MEMPHIS TN 38131-0110

SIGNATURE REQUIRED

Legal Flat Rate Envelope 01/15/2025

RDC-07

C023



US COURT OF APPEALS FOR SIXTH CIRCUIT
CLERK OF COURT
100 E 5TH ST
CINCINNATI OH 45202-3905

USPS TRACKING #



9481 7301 0935 5000 2248 41



EP13F July 2022
OD: 12 1/2 x 9 1/2

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Package Pickup code



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06

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,)	
Plaintiff-Appellee,)	EXPEDITED MOTION FOR
)	REVIEW AND ADJUDICATION
v.)	REQUESTED ACCOMADATIONS
)	OF MOTIONS & NOTIFICATION
DENNIS MICHAEL PHILIPSON,)	
Defendant-Appellant)	(January 24, 2025)

- Over one month has passed since Docket No. 4 was submitted, without any indication of when the Court will review it. This delay exacerbates significant challenges I face as a pro se litigant with disabilities, which include bipolar disorder, severe anxiety, and

depression.

2. Financial Burden:

- The delay in docketing submissions has forced me to resort to expensive express mailing services to ensure timely receipt and filing, costing me approximately \$28 per mailing.
- I have had to seek costly legal advice to clarify procedural issues, further adding to my financial stress.

3. Lack of Communication:

- Despite my efforts to follow up in writing and via phone calls, I have received no meaningful updates or clear answers to procedural questions. My emails were ignored, despite phone confirmation of their receipt, further compounding my anxiety.

4. Violation of Rights to Individual Review:

- As a pro se litigant, I am entitled to a review of each motion individually, with an order addressing the relief sought in each motion. A consolidated decision without addressing the individual merits of each submission would violate due process and procedural fairness.

5. ADA Compliance and Need for Accommodations:

- Pursuant to the Americans with Disabilities Act (ADA), I am entitled to reasonable accommodations to ensure meaningful access to the Court's processes. Delayed reviews and docket mismanagement directly undermine this access and exacerbate my mental health conditions.

6. Inappropriate Reliance on Pro Se Status as a Basis for Delays:

- The court has indicated that pro se litigants are not entitled to timely responses because they lack legal representation. This reasoning is unacceptable and contrary to principles of fairness and access to justice.

- Pro se litigants should not face diminished procedural protections or delays simply because they choose or are forced to represent themselves. The court's administrative challenges must not burden pro se litigants disproportionately, especially when federal rules and the Sixth Circuit's Local Rules emphasize equal access to the courts.

Here's the **bolstered Legal Grounds for Expedited Review** with additional case law, rules, and supporting legal principles to make it more comprehensive and robust:

Legal Grounds for Expedited Review

1. Federal Rule of Appellate Procedure 2

- FRAP 2 provides this Court with discretionary authority to suspend its rules and expedite proceedings "to secure the just, speedy, and inexpensive determination of every case." This foundational principle has been consistently affirmed in appellate practice to ensure fairness and efficiency in resolving disputes. Delays in reviewing motions that directly impact procedural fairness and reasonable accommodations are incompatible with this rule. Courts have recognized that procedural delays can result in injustice, especially when fundamental rights are at stake (*Bowen v. City of New York*, 476 U.S. 467, 483 (1986)).

2. Federal Rule of Civil Procedure 1

- FRCP 1 mandates courts to construe and administer rules to secure the "just, speedy, and inexpensive determination of every action and proceeding." In cases involving pro se litigants, this requirement imposes a duty on courts to ensure that procedural barriers and administrative inefficiencies do not unduly prejudice the litigant. Failure to promptly review motions seeking reasonable accommodations or procedural clarification violates

this obligation. Courts have routinely emphasized that justice delayed is justice denied (*Barker v. Wingo*, 407 U.S. 514, 530 (1972)).

3. Equal Access for Pro Se Litigants

- The Sixth Circuit's Local Rules, consistent with FRCP and ADA requirements, emphasize equitable access to court resources for pro se litigants. Case law supports the principle that pro se litigants are entitled to procedural fairness and access to justice equivalent to that afforded to represented parties (*Haines v. Kerner*, 404 U.S. 519, 520 (1972)).
- In *Tennessee v. Lane*, 541 U.S. 509 (2004), the Supreme Court held that ensuring access to the courts for individuals with disabilities is a fundamental obligation under the ADA. This extends to addressing procedural delays and barriers that disproportionately affect individuals with disabilities and pro se litigants. Failure to address these motions in a timely manner creates an undue burden and denies meaningful access to justice.

4. Undue Prejudice

- The delayed consideration of these motions results in tangible and irreparable harm, including:
 - **Financial Loss:** The necessity of repeated express mail submissions to ensure timely filing has imposed a significant financial burden. Courts have long recognized that financial hardship resulting from procedural inefficiencies can constitute irreparable harm (*Sampson v. Murray*, 415 U.S. 61, 90 (1974)).
 - **Mental Health Impact:** The prolonged uncertainty and lack of clarity in the docket exacerbate anxiety and stress, conditions protected under the ADA. The judiciary has a duty to mitigate unnecessary harm to individuals seeking accommodations for documented disabilities (*Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 600 (1999)).

- **Procedural Uncertainty:** Delayed review of these motions undermines my ability to prepare for subsequent proceedings, creating uncertainty that violates my right to a fair process. Courts have held that procedural fairness is integral to ensuring litigants can effectively participate in their cases (*Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433 (1982)).

5. **Judicial Responsibility to Prevent Procedural Inequities**

- Delayed review of motions solely on the basis of pro se status violates the principle of procedural neutrality. The assertion that pro se litigants are not entitled to timely responses because they lack representation conflicts with case law affirming equal treatment under the law (*Wolff v. McDonnell*, 418 U.S. 539, 577-78 (1974)).

Administrative challenges cannot justify procedural delays that disproportionately harm one party, particularly when these delays implicate fundamental rights protected under the ADA.

6. **Sixth Circuit Local Rules**

- Sixth Circuit Local Rule 27(d) states that motions should generally be resolved promptly, especially those that relate to procedural fairness or access to the court. Delays in addressing motions seeking accommodations under the ADA contravene this principle and violate both procedural fairness and the Court's duty to ensure equitable treatment for all litigants.

Relief Requested

I respectfully request that this Court:

1. **Expedite Review of Docket Nos. 4, 16, 14, and 15:**

- The motions and notifications in question address distinct issues that are critical to my ability to participate meaningfully in this litigation:
 - **Docket No. 4:** A motion for reasonable accommodation and regulated interaction

with opposing counsel, addressing my ADA-protected rights and barriers to communication.

- **Docket No. 16:** A motion for the review and enforcement of previously requested accommodations and communication regulations, necessitated by administrative delays and procedural obstacles.
- **Docket No. 14:** A notification requesting docket updates and the addition of prior submissions to the record, which remains unresolved.
- **Docket No. 15:** A notification seeking clarification and assurance that my motion for reasonable accommodation (Dkt. 4) will be reviewed without further delay.
- These motions and notifications reflect distinct legal issues, procedural concerns, and requests for relief, each requiring individual review and adjudication.

2. Issue Individual Orders Addressing the Relief Sought in Each Motion:

- Consolidating these motions into a single decision risks overlooking the unique factual and legal issues presented in each filing.
- Individual orders are necessary to provide clarity, ensure procedural fairness, and uphold my rights as a pro se litigant.
- As the motions involve requests for procedural clarification (not legal advice) and ADA accommodations, each deserves a specific ruling to address the relief sought.

3. Provide Timelines for the Review and Adjudication of All Pending Motions and Notifications:

- The absence of timelines exacerbates procedural uncertainty, delays my ability to prepare for subsequent proceedings, and worsens the anxiety stemming from the lack of communication.
- Clear timelines will ensure accountability, allow me to effectively manage my case, and mitigate the undue prejudice caused by prolonged delays.

- As established in FRCP 1 and 6th Cir. R. 27, motions must be resolved promptly and in a manner that ensures "just, speedy, and inexpensive determination."

Conclusion

Prompt action by the Court is essential to mitigate the ongoing harm caused by procedural delays and to uphold my rights as a pro se litigant with disabilities. I am confident the Court recognizes the importance of maintaining procedural fairness and ensuring compliance with federal laws protecting access to justice.

Dated this 24th day of January 2025

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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January 2025, a true and correct copy of the foregoing Expedited Motion for Review and Adjudication of Motions and Notifications was served via PACER and via USPS mail on the following counsel of record:

Counsel for Plaintiff:

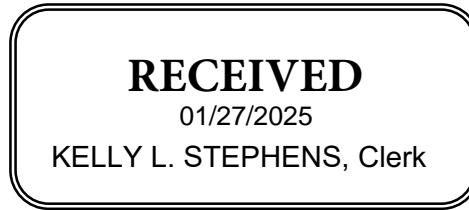
Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
Tel: (615) 742-6200

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, sweeping horizontal stroke extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilipson@gmail.com



January 27, 2025

Clerk of the Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202

Re: Request to Attach Correspondence to the Docket
Case Name: Mid-America Apartment Communities, Inc. v. Dennis Philipson
Case Number: 24-6082

Dear Clerk of the Court,

I am writing to request that the enclosed email and document be added to the docket for the above-referenced appeal as correspondence. This submission pertains to ongoing concerns regarding unwanted communications from the opposing counsel, despite multiple requests to cease contact.

The attached materials serve to document these interactions for the record and provide context for my concerns. I respectfully ask that this correspondence be docketed accordingly.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,
Dennis Philipson

Enclosures:

- Email and Document for Docket Submission



Dee Philips <mikeydphilips@gmail.com>

Re: Philipson - MAA Post Judgment Discovery Requests - Set One

Dee Philips <mikeydphilips@gmail.com>

Mon, Jan 27, 2025 at 5:16 PM

To: "Williams, Kris R." <Kris.Williams@bassberry.com>

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

Kris,

This is the fourth time I've made this clear: upload the filing to the Sixth Circuit Court of Appeals docket. Do not email me.

Do not contact me via email again regarding this matter.

Dennis M. Philipson

On Mon, Jan 27, 2025, 5:13 PM Williams, Kris R. <Kris.Williams@bassberry.com> wrote:

Good Afternoon Mr. Philipson,

Attached please find Mid-America Apartment Communities, Inc.'s First Set of Post-Judgment Interrogatories and Request for Production of Documents Propounded to Defendant Dennis Michael Philipson, as they relate to the above matter. Thank You.

BASS BERRY + SIMS**Kris Williams**

Paralegal

Bass, Berry & Sims PLCThe Tower at [Peabody Place](#) - 100 Peabody Place, Suite 1300[Memphis, TN 38103-3672](#)

901-543-1630 phone

Kris.Williams@bassberry.com • www.bassberry.com

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilipson@gmail.com

January 27, 2025

Clerk of the Court
U.S. District Court for the Western District of Tennessee
167 N. Main Street
Room 242
Memphis, TN 38103

Re: Request to Attach Correspondence to the Docket
Case Name: Mid-America Apartment Communities, Inc. v. John Doe 1 and John Doe 2
Case Number: 2:23-cv-02186-SHL-cgc

Dear Clerk of the Court,

I am writing to request that the enclosed email and document be added to the docket for the above-referenced case as correspondence. This submission pertains to ongoing concerns regarding unwanted communications from the opposing counsel, despite multiple requests to cease contact.

The attached materials serve to document these interactions for the record and provide context for my concerns. I respectfully ask that this correspondence be docketed accordingly.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,
Dennis Philipson

Enclosures:

- Email and Document for Docket Submission



Dee Philips <mikeydphilips@gmail.com>

Re: Philipson - MAA Post Judgment Discovery Requests - Set One

Dee Philips <mikeydphilips@gmail.com>

Mon, Jan 27, 2025 at 5:16 PM

To: "Williams, Kris R." <Kris.Williams@bassberry.com>

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

Kris,

This is the fourth time I've made this clear: upload the filing to the Sixth Circuit Court of Appeals docket. Do not email me.

Do not contact me via email again regarding this matter.

Dennis M. Philipson

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Good Afternoon Mr. Philipson,

Attached please find Mid-America Apartment Communities, Inc.'s First Set of Post-Judgment Interrogatories and Request for Production of Documents Propounded to Defendant Dennis Michael Philipson, as they relate to the above matter. Thank You.

BASS BERRY + SIMS**Kris Williams**

Paralegal

Bass, Berry & Sims PLCThe Tower at [Peabody Place](#) - 100 Peabody Place, Suite 1300[Memphis, TN 38103-3672](#)

901-543-1630 phone

Kris.Williams@bassberry.com • www.bassberry.com

BASS BERRY SIMS PLC

John S. Golwen
jgolwen@bassberry.com
+1 (901) 543-5903

January 27, 2025

Via Email and U.S. Mail

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilips@gmail.com

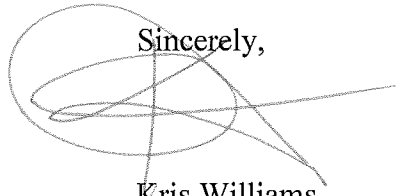
Re: *Mid-America Apartment Communities, Inc. v. John Doe 1 and John Doe 2*
TN Western District Court / Case No. 2:23-cv-02186-SHL-cgc

Dear Mr. Philipson:

Enclosed is a copy of Plaintiff's First Set of Post-Judgment Interrogatories and Requests for Production of Documents Propounded to Defendant Dennis Michael Philipson in the above matter

If you have any additional questions or concerns, please feel free to contact our office.

Sincerely,



Kris Williams
Paralegal

/krw
Enclosure

cc: Paige W. Mills, Esq. (via email only)
 John S. Golwen, Esq. (via email only)
 Jordan E. Thomas, Esq. (via email only)

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

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

Plaintiff,

V.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

**PLAINTIFF’S FIRST SET OF POST-JUDGMENT INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO DEFENDANT DENNIS MICHAEL PHILIPSON**

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, Plaintiff hereby propounds their First Set of Post-Judgment Interrogatories and Requests for Production of Documents, (collectively, “Discovery Requests”) to Defendant, Dennis Michael Philipson, (“Defendant”). These Discovery Requests are continuing and require supplemental responses to the extent provided by Rule 26(e) of the Federal Rules of Civil Procedure. Plaintiff requests Defendant serve on counsel for Plaintiff, within thirty days from the date of service, answers to the following First Set of Post-Judgment Interrogatories and the requested documents. The following instructions and definitions are applicable to all Discovery Requests herein.

INSTRUCTIONS FOR ANSWERING

1. Please note that all answers are to be made separately and fully and that an incomplete or evasive answer is a failure to answer. When an interrogatory calls for an answer

in more than one part, please separate the parts in your answer accordingly so that each part is clearly set out and understandable.

2. Where knowledge or information in your possession is requested, such request includes knowledge or information in possession of your representatives, agents, insurers, and, unless privileged, attorneys.

3. If you have only incomplete knowledge of the answer to an interrogatory, please answer to the extent of your knowledge and state specifically the portion or area of the interrogatory of which you have only incomplete knowledge, and identify the person or persons who do(es) have or might have additional knowledge or information to complete the answer.

4. If you answer any interrogatory in whole or in part by attaching a document containing information sufficient to do so, the relevant portions of such document must be marked or indexed.

5. "Document" means all paper and electronically stored information (including but not limited to all electronic databases and the data therein, all electronic messages and communications, all electronic word processing documents and spreadsheets, all electronically stored voice mail, and all data and information stored in any relevant PDA, smartphone, or mobile phone), originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, transmitted, photographic, or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial statements, checks (cancelled or otherwise), check stubs, receipts, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, communications, minutes, transcriptions,

correspondence, agreements, graphs, tabulations, analyses, evaluations, projections, opinions or reports of consultants, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, and all other material fixed in a tangible medium of whatever kind known to you and within your possession, custody, or control. Document also includes different versions of the same document, including but not limited to drafts or documents with handwritten notes or marks not found on the original or copies, which are different documents for you to identify in your response.

6. Where the identity of a person is requested, please state his or her full name, any known nicknames or alias, present or last known home address and telephone number, present or last known position and business affiliation or employment and the address and telephone number there, and his or her employment and position at the time in question. For persons whose addresses are known to be inaccurate at this time, please state the most reliable address and telephone number in your possession.

7. A request for documents shall include all documents that contain, evidence, reflect or relate to any information requested.

8. "Defendant" means "Dennis Michael Philipson". "You" or "Your" means "Dennis Michael Philipson".

9. Where the identity of an entity not a natural person is requested, please state the name of the entity, the person(s) employed by or otherwise affiliated with that entity who has knowledge of the matters covered in answer to the specific interrogatory, that person's job title, the address of the entity, and the telephone numbers of the person(s) identified as being employed or otherwise affiliated with the entity.

10. "Communication" shall mean any exchange, transmission or receipt (whether as listener, addressee, person called or otherwise) of information, whether such exchange, transmission or receipt be oral, written or otherwise, and includes, without limitation, any meeting, conversation, telephone call, letter, telegram, email, facsimile, exchange, transmission or receipt of any document of any kind whatsoever.

11. "Relate" means containing, alluding to, responding to, connected with, regarding, discussing, involving, showing, describing, analyzing, reflecting, identifying, incorporating, referring to, or in any way pertaining to.

12. As used herein, the conjunctions "and" and "or" shall be interpreted conjunctively or disjunctively, as appropriate, so as not to exclude any documents or information otherwise within the scope of these requests.

14. Where the identity of a document is requested, please state the nature or title of the document, the date of the document, all persons believed to have knowledge of the contents of the document, in whose possession the document presently is, and, regarding a document which was, but is no longer in your possession, custody or control, and the contents of the document. If the document identified was, but is no longer in the possession of Defendant or subject to Defendant's control, or it is no longer in existence, state whether it is (a) missing or lost, (b) destroyed, (c) transmitted or transferred voluntarily or involuntarily to others, identifying such others, or (d) otherwise disposed of, and in each instance, explain the circumstances surrounding and authorization for such disposition and state the date or approximate date thereof. If any of the above information is not available to Defendant, state any available means of identifying such document.

15. Where a statement or description is requested, please include a specific account of what is being stated or described including, where applicable, without limitation, the date or time period involved; the identity of persons from whom the information was learned, who would have knowledge of what information, and/or who participated or was present; what happened in chronological order relating to each identifiable event, response, act or other thing; the address and, if known, ownership and use, where the occurrence took place; the context or circumstances in which the occurrence took place; and what response or reaction existed that caused the occurrence to take place.

16. For each interrogatory, please identify the persons from whom the information contained in the answer is obtained and the persons who swear to the truth of that information.

17. Please note that, pursuant to Rule 26(e), you are under a continuing duty to supplement your responses.

18. If you withhold any responsive information on the grounds that it is privileged or otherwise excludable from discovery, identify the information, describe its subject matter and specify the basis for the claimed privilege or other grounds of exclusion.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail all of your sources of income or compensation, whether or not reported on any tax return, and, as to all income and assets or services received, set forth the income, assets or services received, the nature and amount of any deductions or set-offs, and the net amount received.

ANSWER:

INTERROGATORY NO. 2: Please identify all of your checking, savings, money market or other accounts, certificates of deposit, or mutual funds with any financial or banking institution, including savings and loan associations, stock brokerage firms, or credit unions, by providing the following information for each:

- a) name and address of financial institution;
- b) type of account;
- c) name of account;
- d) account number;
- e) current balance;
- f) average balance from statements for each of the last twelve months; and
- g) name, address, and relationship of any other person or entity having an interest in each account, and the nature or extent of their interest.

ANSWER:

INTERROGATORY NO. 3: For each parcel of real property in which you have had an ownership or leasehold interest during the past five years, please provide the following information:

- a) the address and legal description of the property;
- b) the size of the property;
- c) a description of each structure and other improvement on the property;
- d) the name and address of any other person or corporation having an ownership interest in each parcel and the type of ownership interest held;
- e) the ownership of the property as stated in the documents of title, and the location of each document;
- f) the present value of your equity interest in the property;
- g) whether you lease or rent the property and how much income you derive per year from renting or leasing the property; and
- h) whether you claim that the property is exempt by law from forced sale.

ANSWER:

INTERROGATORY NO. 4: State the cost, location and estimated present market value of all motorized vehicles, watercraft, jewelry, and artwork that you own. Please set forth, with respect to each item of personal property described, whether the article of personal property is the subject of any lien or security interest and the balance of the loan secured by any such lien or security interest.

ANSWER:

INTERROGATORY NO. 5: Please identify any Trust Account, of which you are a beneficiary, by providing the following information:

- a) the name of the trust;
- b) the name of the trustee;
- c) the type of trust;
- d) current balance;
- e) name, address, and relationship of any other person or entity having an interest in each trust, and the nature or extent of their interest.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Produce all documents referenced in the preceding answers to interrogatories.

RESPONSE:

REQUEST NO. 2: Produce copies of certificates of title evidencing your ownership in any property.

RESPONSE:

REQUEST NO. 3: Produce all of your federal and state tax returns for each year from 2013 through 2023.

RESPONSE:

REQUEST NO. 4: Produce all of the your financial and bank statements and cancelled checks for the past five years for any accounts, certificates, and funds identified in response to Interrogatory No. 2.

RESPONSE:

Respectfully Submitted,

/s/ John Golwen

John Golwen, BPR. No. 014324
Jordan Thomas, BPR. No. 039531
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Fax: (615) 742-6293
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Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

*Counsel for Mid-America
Apartment Communities, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2025 the forgoing was served on the individual below by electronic mail and regular mail:

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

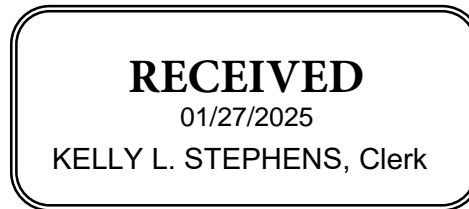
/s/ John Golwen

John Golwen

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilipson@gmail.com

January 27, 2025

Clerk of the Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202



Re: Request to Attach Correspondence to the Docket
Case Name: Mid-America Apartment Communities, Inc. v. Dennis Philipson
Case Number: 24-6082

Dear Clerk of the Court,

I am writing to request that the enclosed email and document be added to the docket for the above-referenced appeal as correspondence. This submission pertains to ongoing concerns regarding unwanted communications from the opposing counsel, despite multiple requests to cease contact.

The attached materials serve to document these interactions for the record and provide context for my concerns. I respectfully ask that this correspondence be docketed accordingly.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,
Dennis Philipson

Enclosures:

- Email and Document for Docket Submission



Dee Philips <mikeydphilips@gmail.com>

Re: Philipson - MAA Post Judgment Discovery Requests - Set One

Dee Philips <mikeydphilips@gmail.com>

Mon, Jan 27, 2025 at 5:16 PM

To: "Williams, Kris R." <Kris.Williams@bassberry.com>

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

Kris,

This is the fourth time I've made this clear: upload the filing to the Sixth Circuit Court of Appeals docket. Do not email me.

Do not contact me via email again regarding this matter.

Dennis M. Philipson

On Mon, Jan 27, 2025, 5:13 PM Williams, Kris R. <Kris.Williams@bassberry.com> wrote:

Good Afternoon Mr. Philipson,

Attached please find Mid-America Apartment Communities, Inc.'s First Set of Post-Judgment Interrogatories and Request for Production of Documents Propounded to Defendant Dennis Michael Philipson, as they relate to the above matter. Thank You.

BASS BERRY + SIMS**Kris Williams**

Paralegal

Bass, Berry & Sims PLCThe Tower at [Peabody Place - 100 Peabody Place, Suite 1300](#)[Memphis, TN 38103-3672](#)

901-543-1630 phone

Kris.Williams@bassberry.com • www.bassberry.com

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilipson@gmail.com

January 27, 2025

Clerk of the Court
U.S. District Court for the Western District of Tennessee
167 N. Main Street
Room 242
Memphis, TN 38103

Re: Request to Attach Correspondence to the Docket
Case Name: Mid-America Apartment Communities, Inc. v. John Doe 1 and John Doe 2
Case Number: 2:23-cv-02186-SHL-cgc

Dear Clerk of the Court,

I am writing to request that the enclosed email and document be added to the docket for the above-referenced case as correspondence. This submission pertains to ongoing concerns regarding unwanted communications from the opposing counsel, despite multiple requests to cease contact.

The attached materials serve to document these interactions for the record and provide context for my concerns. I respectfully ask that this correspondence be docketed accordingly.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,
Dennis Philipson

Enclosures:

- Email and Document for Docket Submission



Dee Philips <mikeydphilips@gmail.com>

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Dee Philips <mikeydphilips@gmail.com>

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To: "Williams, Kris R." <Kris.Williams@bassberry.com>

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

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Do not contact me via email again regarding this matter.

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BASS BERRY + SIMS**Kris Williams**

Paralegal

Bass, Berry & Sims PLCThe Tower at [Peabody Place](#) - 100 Peabody Place, Suite 1300[Memphis, TN 38103-3672](#)

901-543-1630 phone

Kris.Williams@bassberry.com • www.bassberry.com

BASS BERRY SIMS PLC

John S. Golwen
jgolwen@bassberry.com
+1 (901) 543-5903

January 27, 2025

Via Email and U.S. Mail

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilips@gmail.com

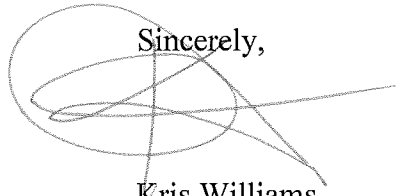
Re: *Mid-America Apartment Communities, Inc. v. John Doe 1 and John Doe 2*
TN Western District Court / Case No. 2:23-cv-02186-SHL-cgc

Dear Mr. Philipson:

Enclosed is a copy of Plaintiff's First Set of Post-Judgment Interrogatories and Requests for Production of Documents Propounded to Defendant Dennis Michael Philipson in the above matter

If you have any additional questions or concerns, please feel free to contact our office.

Sincerely,



Kris Williams
Paralegal

/krw
Enclosure

cc: Paige W. Mills, Esq. (via email only)
John S. Golwen, Esq. (via email only)
Jordan E. Thomas, Esq. (via email only)

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,)	
)	
Plaintiff,)	
)	
v.	)	Docket No. 2:23-cv-02186-SHL-cgc
)	
DENNIS MICHAEL PHILIPSON,)	
)	
Defendant.)	
)	

**PLAINTIFF'S FIRST SET OF POST-JUDGMENT INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO DEFENDANT DENNIS MICHAEL PHILIPSON**

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, Plaintiff hereby propounds their First Set of Post-Judgment Interrogatories and Requests for Production of Documents, (collectively, "Discovery Requests") to Defendant, Dennis Michael Philipson, ("Defendant"). These Discovery Requests are continuing and require supplemental responses to the extent provided by Rule 26(e) of the Federal Rules of Civil Procedure. Plaintiff requests Defendant serve on counsel for Plaintiff, within thirty days from the date of service, answers to the following First Set of Post-Judgment Interrogatories and the requested documents. The following instructions and definitions are applicable to all Discovery Requests herein.

INSTRUCTIONS FOR ANSWERING

1. Please note that all answers are to be made separately and fully and that an incomplete or evasive answer is a failure to answer. When an interrogatory calls for an answer

in more than one part, please separate the parts in your answer accordingly so that each part is clearly set out and understandable.

2. Where knowledge or information in your possession is requested, such request includes knowledge or information in possession of your representatives, agents, insurers, and, unless privileged, attorneys.

3. If you have only incomplete knowledge of the answer to an interrogatory, please answer to the extent of your knowledge and state specifically the portion or area of the interrogatory of which you have only incomplete knowledge, and identify the person or persons who do(es) have or might have additional knowledge or information to complete the answer.

4. If you answer any interrogatory in whole or in part by attaching a document containing information sufficient to do so, the relevant portions of such document must be marked or indexed.

5. "Document" means all paper and electronically stored information (including but not limited to all electronic databases and the data therein, all electronic messages and communications, all electronic word processing documents and spreadsheets, all electronically stored voice mail, and all data and information stored in any relevant PDA, smartphone, or mobile phone), originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, transmitted, photographic, or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial statements, checks (cancelled or otherwise), check stubs, receipts, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, communications, minutes, transcriptions,

correspondence, agreements, graphs, tabulations, analyses, evaluations, projections, opinions or reports of consultants, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, and all other material fixed in a tangible medium of whatever kind known to you and within your possession, custody, or control. Document also includes different versions of the same document, including but not limited to drafts or documents with handwritten notes or marks not found on the original or copies, which are different documents for you to identify in your response.

6. Where the identity of a person is requested, please state his or her full name, any known nicknames or alias, present or last known home address and telephone number, present or last known position and business affiliation or employment and the address and telephone number there, and his or her employment and position at the time in question. For persons whose addresses are known to be inaccurate at this time, please state the most reliable address and telephone number in your possession.

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- g) name, address, and relationship of any other person or entity having an interest in each account, and the nature or extent of their interest.

ANSWER:

INTERROGATORY NO. 3: For each parcel of real property in which you have had an ownership or leasehold interest during the past five years, please provide the following information:

- a) the address and legal description of the property;
- b) the size of the property;
- c) a description of each structure and other improvement on the property;
- d) the name and address of any other person or corporation having an ownership interest in each parcel and the type of ownership interest held;
- e) the ownership of the property as stated in the documents of title, and the location of each document;
- f) the present value of your equity interest in the property;
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- a) the name of the trust;
- b) the name of the trustee;
- c) the type of trust;
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Respectfully Submitted,

/s/ John Golwen

John Golwen, BPR. No. 014324
Jordan Thomas, BPR. No. 039531
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100 Peabody Place, Suite 1300
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BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

*Counsel for Mid-America
Apartment Communities, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2025 the forgoing was served on the individual below by electronic mail and regular mail:

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

/s/ John Golwen

John Golwen

01/28/2025

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

**MOTION TO SUPPLEMENT
APPELLATE RECORD AND
BRIEF WITH ADDITIONAL EVIDENCE**
January 28, 2025

1. Ensure the Court has before it all material evidence regarding serious judicial conflicts of

interest, unethical conduct, and procedural violations by attorneys and court personnel.

2. Correct fundamental due process violations by ensuring this Court considers materials that were wrongfully dismissed without review by the Circuit Executive.
3. Provide critical evidence of ongoing retaliatory and defamatory actions against Appellant, including false criminal allegations and judicial overreach stemming from Appellant's whistleblower activity against MAA.

This motion is filed in good faith and is necessary to ensure appellate review is conducted with a full and accurate record.

II. DOCUMENTS SOUGHT TO BE SUPPLEMENTED INTO THE RECORD

Appellant respectfully moves this Court to supplement the appellate record with the following exhibits, which contain critical evidence either excluded from review, ignored by judicial authorities, or emerging after initial briefing. These exhibits provide incontrovertible proof of a pattern of procedural irregularities, judicial bias, extrajudicial influence, and retaliatory conduct, all of which bear directly on the legal issues raised in this appeal.

The exclusion of these exhibits from consideration has materially prejudiced Appellant, depriving him of a full and fair adjudication of his claims and preventing this Court from conducting a meaningful appellate review. The proposed supplementation is not an attempt to introduce new arguments but rather to correct and complete the appellate record with evidence that was improperly disregarded by judicial authorities.

Exhibit A – Circuit Executive's Refusal to Review Judicial Misconduct Complaints

1. Summary of Exhibit A

Exhibit A includes the Circuit Executive's dismissal of Appellant's formal judicial misconduct complaint, filed under 28 U.S.C. § 351, which governs complaints related to judicial bias, ethical violations, and procedural irregularities. The complaint, assigned Case No. 06-23-90121, was filed against Chief Judge Sheryl H. Lipman of the U.S. District Court for the Western District of Tennessee.

Filed on January 3, 2024, the complaint was acknowledged by Marc Theriault, Circuit Executive of the Sixth Circuit, and forwarded to Chief Judge Jeffrey S. Sutton for review. It raised significant allegations of judicial misconduct, improper intervention, and procedural irregularities that undermined the integrity of the proceedings. Despite these concerns, Appellant received a dismissal order on August 9, 2024, signed by Chief Judge Sutton, concluding that the complaint lacked merit without conducting any substantive investigation.

Additionally, Appellant submitted a USB drive containing supplemental evidence to substantiate his claims, including videos, pictures, and additional information documenting judicial misconduct. This submission was not formally acknowledged in the dismissal order, further raising concerns about whether the evidence was appropriately reviewed.

Key Allegations Raised in the Complaint

Judicial Bias and Procedural Irregularities

Appellant identified multiple procedural anomalies and irregularities during the district court proceedings, including:

- **Unexplained Docket Additions** – An email, not in the proper PDF format, was uploaded to the docket by the chambers without Appellant's request or permission, as confirmed by the web clerk, Judy Easley. This email appeared to provide an opportunity for Mr. Kapellas and opposing counsel to argue that recusal was unnecessary.
- **Selective Enforcement of Procedural Rules** – The district court consistently denied Appellant's

procedural motions while granting similar or identical requests from opposing counsel, suggesting preferential treatment and judicial bias.

- Disparate Treatment of a Pro Se Litigant – Appellant faced heightened procedural challenges, including:
 - Failure to respond to formal inquiries regarding discrepancies in filings.
 - Summary dismissal of motions without hearings or detailed justification.
 - Dismissal of the Trial Without Affording Appellant an Opportunity to Argue His Case – The trial was dismissed without providing Appellant a chance to present his arguments or supporting facts. This violated due process protections guaranteed by the Fifth and Fourteenth Amendments, as articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Moreover, the court failed to ensure critical documents were properly delivered—whether via certified mail or otherwise—resulting in missed deadlines and additional prejudice against Appellant. These deficiencies contradict principles outlined in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), which emphasize the importance of adequate notice and the opportunity to respond.

These procedural failures highlight substantial constitutional concerns, as they denied Appellant the fair treatment required under the law.

Undisclosed Conflict of Interest

The complaint emphasized the undisclosed employment history of Judicial Law Clerk Michael Kapellas, who was previously an associate at Bass, Berry & Sims PLC, the firm representing the opposing party in Appellant's case.

- Kapellas' prior employment with opposing counsel created an inherent conflict of interest, as judicial clerks are deeply involved in researching legal arguments and drafting judicial opinions.

- This relationship violated Canon 2, Rule 2.11 of the Tennessee Code of Judicial Conduct, which mandates the disclosure and appropriate handling of any conflict of interest to prevent even the appearance of bias.
- Despite this clear ethical concern, Kapellas continued to participate in Appellant's case, with no effort made to reassign the clerk or mitigate his involvement.
- Adverse rulings issued against Appellant—many authored by Kapellas—further suggested improper influence and highlighted the conflict's impact on judicial decision-making.

Failure to Conduct a Preliminary Review

The August 9, 2024, dismissal order failed to comply with Judicial-Conduct and Judicial-Disability Proceedings Rule 11(c), which requires a substantive review of non-frivolous complaints.

- Rule 11(c) explicitly requires that credible allegations be reviewed to determine if further proceedings are warranted.
- Instead of conducting an independent investigation, the Circuit Executive summarily dismissed the complaint as "frivolous" and "unsupported," despite evidence submitted alongside the complaint.
- The USB drive submitted by Appellant, containing critical supplemental evidence, was neither acknowledged nor addressed in the dismissal order. This omission raises questions about whether the complaint and its supporting materials were reviewed in good faith.

The lack of compliance with Rule 11(c) and failure to engage in proper investigatory procedures demonstrate systemic judicial oversight failures that necessitate appellate review.

2. Legal Basis for Supplementation

a. Due Process Violations Under the Fifth and Fourteenth Amendments

The United States Supreme Court has consistently upheld the constitutional right to an impartial

tribunal under the Due Process Clause. In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), the Court held that due process is violated when the risk of judicial bias is too significant to ensure fair adjudication. Here, the refusal to investigate a documented conflict of interest and the procedural irregularities described deprived Appellant of a fair and impartial hearing.

b. Mandatory Review of Judicial Misconduct Complaints Under Rule 11(c)

Judicial-Conduct and Judicial-Disability Proceedings Rule 11(c) requires substantive review of credible judicial misconduct complaints. The Circuit Executive's failure to conduct the required review violated its obligations under federal law. Supplementation of Exhibit A is critical to demonstrate these procedural failings and ensure the appellate record reflects these omissions.

Exhibit B – Binder Submitted to Circuit Executive (Comprehensive Evidence of Retaliation and Procedural Violations)

1. Summary of Exhibit B

Exhibit B consists of a comprehensive binder of evidence submitted to the Sixth Circuit Office of the Circuit Executive on January 7, 2024. This submission detailed judicial misconduct, procedural irregularities, and extrajudicial harassment experienced by Appellant. The binder was submitted following repeated failures by judicial authorities to investigate or address Appellant's prior complaints.

Included in the binder were:

- Evidence of Ex Parte Communications and Court Order Authorship – Documentation demonstrating that Judicial Law Clerk Michael Kapellas authored multiple orders in Appellant's case, signed under Chief Judge Sheryl H. Lipman's name, despite an undisclosed conflict of interest.

- Retaliatory Harassment – Photographic and video evidence of intimidation attempts by an individual identifying himself as “Agent Barber,” who repeatedly attempted to serve legal documents under questionable circumstances.
- Conflict of Interest – Additional materials substantiating that Kapellas had a prior employment relationship with opposing counsel, Bass, Berry & Sims PLC, and continued to participate in rulings favoring the firm.
- USB Drive with Supplemental Evidence – Videos, metadata analysis, and documentation of procedural irregularities and surveillance misconduct by opposing counsel and purported law enforcement agents.

2. Key Allegations Raised in Exhibit B

Exhibit B includes specific examples of judicial misconduct and harassment, including:

Ex Parte Communications and Court Order Authorship

Documentation shows that Judicial Law Clerk Michael Kapellas personally authored orders in Appellant’s case, which were signed by Chief Judge Sheryl H. Lipman. Kapellas’ prior employment with opposing counsel created a conflict of interest that undermined the impartiality of these decisions. Kapellas’ involvement in drafting orders, despite his undisclosed conflict, violated Canon 2, Rule 2.11 of the Tennessee Code of Judicial Conduct, which mandates recusal when impartiality may reasonably be questioned. These orders adversely impacted Appellant’s procedural rights, yet there was no acknowledgment or corrective action by the court to address Kapellas’ role.

Retaliatory Harassment by “Agent Barber”

Exhibit B includes video and photographic evidence of an individual identifying himself as “Agent Barber” attempting to serve legal documents on Appellant’s spouse under suspicious circumstances. On multiple occasions, this individual arrived at Appellant’s residence flashing emergency lights,

wearing a badge, and engaging in apparent surveillance activities. These actions were directed at Appellant's spouse, who was not a party to the case, raising significant concerns about intimidation rather than lawful service.

The harassment culminated in a handwritten note left at Appellant's residence, which provided a non-governmental phone number (703-785-2447) instead of any official agency contact. These actions demonstrate a clear attempt to intimidate Appellant and obstruct his legal efforts.

Conflict of Interest Involving Judicial Law Clerk Michael Kapellas

Kapellas was previously employed at Bass, Berry & Sims PLC, where he worked alongside opposing counsel as recently as 2020. Despite this prior professional relationship, Kapellas continued to participate in drafting rulings in Appellant's case.

Orders authored by Kapellas include:

- An October 4, 2023, order requiring Appellant to file a response, which metadata indicates was drafted by Kapellas.
- A November 1, 2023, protective order, also authored by Kapellas, which directly favored opposing counsel.
- The continued involvement of Kapellas in the case despite this conflict of interest violated the impartiality standards set by judicial ethics rules and further eroded confidence in the fairness of the proceedings.

USB Drive with Supplemental Evidence

Appellant submitted a USB drive alongside Exhibit B containing videos, photographs, and metadata analysis documenting procedural irregularities and misconduct. The submission highlighted surveillance activities, unauthorized actions by individuals purporting to act on behalf of law enforcement, and further evidence of judicial bias.

The Circuit Executive's office failed to acknowledge or reference the supplemental evidence submitted on the USB drive, raising concerns about whether this evidence was reviewed as part of the investigative process.

3. Legal Basis for Supplementation

a. Ex Parte Communications and Court Order Authorship Violate Due Process

The U.S. Supreme Court has long held that ex parte communications and actions compromising judicial impartiality violate due process. In *In re Murchison*, 349 U.S. 133 (1955), the Court emphasized the necessity of impartial adjudication free from improper influence. The evidence of Judicial Law Clerk Michael Kapellas authoring orders in favor of his former employer requires immediate judicial scrutiny.

b. Retaliatory Harassment Against Appellant and Spouse Violates Federal Protections

Retaliatory actions targeting Appellant and his spouse violate fundamental rights under the First and Fifth Amendments. The Sixth Circuit has consistently held that retaliation for exercising constitutional rights constitutes an actionable violation. See *Thaddeus-X v. Blatter*, 175 F.3d 378 (6th Cir. 1999).

c. Judicial Bias and Conflicts of Interest Warrant Appellate Review

Kapellas' undisclosed conflict of interest as a former employee of opposing counsel demands heightened scrutiny under *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988). The failure to disclose or address this conflict undermines the fairness and legitimacy of the proceedings. Exhibit B demonstrates a clear pattern of judicial misconduct, harassment, and procedural violations that require appellate review. The inclusion of this evidence in the appellate record is essential to ensure a complete and fair adjudication of Appellant's claims.

Exhibit C – Additional Evidence of Judicial Overreach and Procedural Due Process Violations

Summary of Exhibit C

Exhibit C contains direct evidence of judicial overreach and due process violations, including retaliatory court orders issued in May 2024. These orders imposed unprecedented restrictions on Appellant's procedural rights without adequate justification or due process. These actions appear to have been taken in response to Appellant's continued efforts to report misconduct and regulatory violations to federal agencies, including:

- The Federal Trade Commission (FTC)
- The U.S. Department of Housing and Urban Development (HUD)
- The Equal Employment Opportunity Commission (EEOC)
- The U.S. Department of Justice (DOJ)
- The Securities and Exchange Commission (SEC)

The court orders, authored by Judicial Law Clerk Michael Kapellas and signed by Chief Judge Sheryl H. Lipman, imposed unreasonable procedural barriers on Appellant, further obstructing his ability to litigate effectively and advocate for justice.

Key Evidence in Exhibit C Demonstrating Judicial Overreach

- **Order Severely Restricting Appellant's Procedural Rights (May 6, 2024)**

This order imposed significant procedural hurdles that effectively blocked Appellant from filing motions or responding to filings. The restrictions lacked any basis under the Federal Rules of Civil Procedure and appeared targeted at limiting Appellant's ability to challenge judicial misconduct or procedural irregularities.

- **Order Denying Motion for Judicial Recusal (May 15, 2024)**

Appellant's motion to recuse Judicial Law Clerk Michael Kapellas was denied without explanation or hearing. The motion specifically cited Kapellas' prior employment at Bass, Berry & Sims PLC, and his ongoing role in drafting orders directly affecting Appellant's case. The

court's refusal to address this conflict of interest undermines the impartiality of its rulings.

- **Order Prohibiting Appellant from Raising Certain Claims (May 22, 2024)**

This order explicitly barred Appellant from filing motions or raising claims related to judicial bias, procedural irregularities, or violations of constitutional rights. By restricting Appellant's ability to challenge these issues in court, the order effectively silenced Appellant's efforts to report ongoing violations to federal oversight agencies.

These orders demonstrate a calculated effort to retaliate against Appellant for exercising his First Amendment right to petition the government for redress of grievances.

Legal Basis for Supplementation

a. Retaliatory Judicial Orders Violate the First and Fifth Amendments

The U.S. Supreme Court has consistently held that retaliatory actions by government officials, including judicial actors, violate constitutional protections. In *Hartman v. Moore*, 547 U.S. 250 (2006), the Court ruled that government actions motivated by retaliation against an individual's exercise of protected speech violate the First Amendment. The May 2024 orders, as evidenced in Exhibit C, directly link Appellant's whistleblowing activities to the retaliatory restrictions imposed by the court.

b. Denial of Procedural Rights Warrants Appellate Intervention

Procedural due process requires that litigants have a fair opportunity to present their case and respond to opposing arguments. In *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Supreme Court emphasized the necessity of procedural fairness to protect individuals from arbitrary government actions. The improperly denied motions and procedural restrictions in Exhibit C deprived Appellant of this constitutional guarantee, warranting supplementation of the record.

c. Judicial Bias and Conflicts of Interest Must Be Investigated

The failure to address the conflict of interest involving Judicial Law Clerk Michael Kapellas, despite his

prior employment with opposing counsel, constitutes a significant breach of judicial ethics. As the Supreme Court held in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), conflicts of interest that compromise judicial impartiality violate due process. Exhibit C provides clear evidence that the court's actions were influenced by bias, necessitating further review.

d. Ongoing Retaliation Against a Whistleblower Requires Judicial Scrutiny

Federal and state whistleblower protection laws, including 42 U.S.C. § 1983 and Tenn. Code Ann. § 50-1-304, prohibit retaliatory actions against individuals engaging in protected disclosures. The judicial orders documented in Exhibit C demonstrate clear acts of retaliation, designed to:

- Obstruct Appellant's ability to report corporate and judicial misconduct to federal oversight agencies.
- Prevent Appellant from raising legitimate challenges to procedural irregularities and judicial conflicts of interest.
- Deter future whistleblower activity by demonstrating that such actions will result in retaliatory consequences.

The evidence in Exhibit C establishes a clear pattern of judicial retaliation, procedural due process violations, and efforts to silence Appellant's advocacy for justice. The inclusion of this evidence in the appellate record is essential to ensure a comprehensive review of the constitutional and procedural violations that have affected this case.

Exhibit D – Post-Judgment Correspondence from Opposing Counsel and Attempts to Enforce a Judgment Under Appeal

1. Summary of Exhibit D

Exhibit D consists of correspondence from opposing counsel following the district court's judgment,

which is currently under appeal due to substantial judicial misconduct. These communications raise serious concerns regarding due process violations, improper enforcement actions, and harassment, as opposing counsel seeks to impose legally questionable post-judgment obligations on Appellant despite the ongoing appeal.

On January 27, 2025, Appellant formally requested via email that Exhibit D be uploaded to the docket to document the ongoing misconduct and harassment by opposing counsel.

Key Issues Raised in Exhibit D

Improper Post-Judgment Discovery Requests During Appeal

Opposing counsel has made excessive and invasive demands under the guise of post-judgment discovery, despite the fact that enforcement of the judgment should be stayed pending appellate review. These demands include:

- Full disclosure of all income sources, including those not reported on tax returns
- Bank account numbers, financial statements, and other private financial data
- Trust accounts and beneficiary information
- Disclosure of all personal and business assets, regardless of their relevance to the case

These demands go far beyond what is legally permitted under Rule 69 of the Federal Rules of Civil Procedure (FRCP), which allows limited post-judgment discovery only to the extent necessary to enforce a judgment. Given that the judgment is under appeal, the enforcement process is neither appropriate nor legally sound at this stage.

Further, *Mathews v. Eldridge*, 424 U.S. 319 (1976) reaffirms that due process requires fairness in legal proceedings. The nature and scope of opposing counsel's demands raise serious due process concerns, as they are unduly burdensome, invasive, and punitive.

Harassment and Coercive Tactics Disguised as Judgment Enforcement

Exhibit D also documents how opposing counsel is using the post-judgment process to intimidate Appellant rather than to engage in lawful judgment enforcement.

- Opposing counsel has persistently emailed Appellant despite clear instructions not to do so, violating ethical obligations under ABA Model Rule 4.4 (Respect for Rights of Third Persons), which prohibits attorneys from engaging in conduct that serves no substantial legal purpose other than to harass or burden another party.
- These emails contain threatening language and outrageous personal demands, attempting to compel Appellant to comply with overbroad discovery requests under the guise of judgment enforcement.
- Opposing counsel's actions exceed the scope of lawful collection efforts and appear designed to exert pressure on Appellant rather than serve any legitimate legal function.

Violation of Stay Pending Appeal Under Federal Law

The attempt to enforce the judgment while the appeal is pending is a direct violation of Federal Rule of Appellate Procedure 8(a), which allows appellate courts to stay the enforcement of a judgment while substantial legal issues are under review.

- The Sixth Circuit has held that post-judgment discovery cannot proceed while an appeal is pending, particularly when the judgment is under dispute due to potential legal and procedural errors. See *Newsome v. Batavia Local Sch. Dist.*, 842 F.2d 920 (6th Cir. 1988), which reaffirmed that when due process fairness is in question, procedural actions affecting an appellant's rights should be suspended until full appellate review is completed.

2. Legal Basis for Supplementation

a. Violation of Due Process and Improper Judgment Enforcement During Appeal

The U.S. Supreme Court has long held that due process prohibits enforcement actions that burden a

litigant's rights while an appeal is pending. See *Fuentes v. Shevin*, 407 U.S. 67 (1972), which established that even where enforcement rights exist, procedural fairness must be maintained. Here, the discovery demands and harassment from opposing counsel violate these due process principles.

b. Violation of Federal Rules Governing Judgment Stays

Under FRAP 8(a), enforcement actions must be stayed pending appellate review in cases where the judgment is under challenge due to substantial legal errors. Opposing counsel's actions in attempting to collect on a judgment currently under appeal violate this rule.

c. Harassment and Ethical Violations by Opposing Counsel

Opposing counsel's repeated, unsolicited emails violate ethical rules prohibiting unnecessary harassment. Under ABA Model Rule 8.4, attorneys must not engage in conduct involving dishonesty, fraud, or harassment. The continued communication from opposing counsel, despite explicit instructions to cease, constitutes a violation of these ethical obligations.

Exhibit D provides critical evidence of post-judgment misconduct, highlighting ongoing harassment, improper judgment enforcement actions, and clear violations of due process. The repeated, unsolicited communications from opposing counsel, coupled with overbroad and invasive discovery demands, demonstrate a pattern of intimidation rather than legitimate legal enforcement. These actions directly contravene established procedural protections under FRAP 8(a), which requires a stay of judgment enforcement while an appeal is pending. Additionally, the continued disregard for ethical obligations under ABA Model Rule 8.4 underscores the need for judicial scrutiny.

The improper post-judgment actions further exemplify the systemic misconduct that has characterized these proceedings and reinforce the necessity of appellate intervention. The court's failure to timely docket Exhibit D further exacerbates the procedural inequities at issue. The documented harassment and unauthorized enforcement efforts serve as yet another example of the prejudicial treatment

Appellant has faced, further warranting appellate review to ensure fairness and compliance with the rule of law.

IV. CONCLUSION

For the foregoing reasons, Appellant respectfully moves this Honorable Court to grant this Motion to Supplement the Record and Brief with Exhibits A, B, C, and D.

These exhibits provide critical evidence of procedural irregularities, judicial bias, retaliatory actions, and post-judgment misconduct that have prejudiced Appellant and undermined the fairness of the proceedings. The inclusion of Exhibit D is particularly important as it documents ongoing harassment and improper enforcement actions by opposing counsel, which continue to violate ethical and procedural safeguards.

The Court's consideration of this evidence is essential to ensuring justice, upholding due process, and preserving public confidence in the integrity of the judicial process. The failure to address these issues would not only prejudice Appellant but also set a dangerous precedent permitting unchecked judicial and attorney misconduct.

Dated this 28th day of January 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dm' followed by a long, sweeping horizontal stroke.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January 2025, a true and correct copy of the foregoing MOTION TO SUPPLEMENT APPELLATE RECORD AND BRIEF WITH ADDITIONAL EVIDENCE was served via PACER, contingent on the court's ability to upload it to the docket in a timely manner, and via USPS mail to the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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 'D. Philipson', with a long horizontal flourish extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

Exhibit C

RECEIVED

01/28/2025

KELLY L. STEPHENS, Clerk

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

**ORDER GRANTING MOTION FOR SANCTIONS OF JUDGMENT AND GRANTING
IN PART MOTION FOR PERMANENT INJUNCTION**

Before the Court is Plaintiff Mid-America Apartment Communities, Inc.’s (“MAA”) Motion for Sanctions of Judgment and Permanent Injunction Against Philipson (the “Motion for Judgment”), filed March 6, 2024. (ECF No. 92.) Pro se Defendant Dennis Michael Philipson did not respond to the motion and his time to do so has passed.

Mr. Philipson has made a habit of failing to respond to Plaintiff’s motions and numerous Court orders in this case, and has failed to attend multiple hearings, both in-person and virtual. Most recently, Mr. Philipson failed to attend the April 15, 2024 hearing the Court set to give him the opportunity to purge its finding that he was in contempt. (ECF No. 96.) In the Order finding him in contempt, the Court warned him that if he “fails to appear as directed, the Court shall take all necessary action to bring him before the Court, including but not limited to issuing a warrant for his arrest and directing that he be held in custody pending a hearing on this matter.” (ECF No. 94 at PageID 1557.) At the contempt hearing, the Court explained that it would not, at this point, issue an arrest warrant for Mr. Philipson, but would proceed with ruling on MAA’s Motion for Judgment, and it does so now.

As described in more detail below, MAA's motion for judgment is **GRANTED** and its motion for permanent injunction is **GRANTED IN PART**. Judgment is granted in MAA's favor and a permanent injunction is issued consistent with terms described in this Order. MAA is further ordered to provide, within two weeks of the entry of this Order, declarations as to the amount of damages it believes it is entitled to pursuant to this Order. After those damages calculations are provided, the Court will determine whether to set a damages hearing.

BACKGROUND

A fulsome recitation of the facts in this case can be found in the Court's previous orders. (See ECF No. 69 at PageID 742–44; ECF No. 94 at PageID 1539–42.) That background will not be fully recapitulated in this Order, which instead focuses on the elements of the case relevant to the motion before the Court.

In the Court's Order that found Mr. Philipson in contempt, it also granted in part and denied in part MAA's motion for preliminary injunction. Before issuing that Order, the Court entered an Order to Show Cause that required Mr. Philipson to respond to the underlying motion. Mr. Philipson's failure to respond to the motion for preliminary injunction and the corresponding Order to Show Cause rendered MAA's factual assertions uncontested, as the Court previously explained. (See ECF No. 91 at PageID 1476; ECF No. 94 at PageID 1546.) Mr. Philipson's failure to respond to the Motion for Judgment has similarly rendered the facts asserted as to the permanent injunction undisputed.

In addition to the permanent injunction, MAA also seeks the following judgment against Mr. Philipson:

- that Philipson is liable under each claim for the relief set forth in the First Amended Complaint (Dkt. 16);
- that Philipson is liable to MAA for all damages it has suffered by reason of his unlawful acts;

- that Philipson is required to pay enhanced and/or punitive damages to MAA, as determined by this Court, for his deliberate and willful trademark infringement and unfair competition;
- that Philipson is required to pay MAA treble damages for the injury he has caused under Tennessee’s Consumer Protection Act;
- that Philipson is required to pay MAA’s reasonable attorneys’ fees and disbursements incurred during this litigation;
- that Philipson is required to pay MAA all damages to which it is entitled for his defamation, negligence per se, deceit, intentional interference with prospective business advantage, and violations of the Tennessee Personal and Commercial Computer Act of 2003;
- that Philipson is required to pay MAA the cost of this action;
- that Philipson is required to pay pre- and post-judgment interest on all amounts to which Plaintiff is due.

(ECF No. 92 at PageID 1481–82.)

MAA’S MOTION FOR PERMANENT INJUNCTION

The Court’s analysis of MAA’s motion for permanent injunction follows a similar course as its analysis of MAA’s motion for preliminary injunction, as the same standards are generally applicable to both. See Gas Nat. Inc. v. Osborne, 624 F. App’x 944, 948 (6th Cir. 2015) (citing Am. Civil Liberties Union of Ky. v. McCreary Cnty., 607 F.3d 439, 445 (6th Cir. 2010) (“The standard for a permanent injunction is essentially the same as for a preliminary injunction except that the plaintiff must show actual success on the merits rather than a likelihood of success.”)).¹ A permanent injunction requires a plaintiff to demonstrate: “(1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff

¹ This is not to say that a court should rubber stamp the findings from the preliminary injunction stage when it is considering a request for permanent relief, as a party is not required to prove its case in full at the preliminary-injunction stage and the findings of fact and conclusions of law a court makes in granting a preliminary injunction are not binding at trial on the merits. Univ. of Texas v. Camenisch, 451 U.S. 390, 395 (1981). Ultimately, “a preliminary injunction has no preclusive effect—no formal effect at all—on the judge’s decision whether to issue a permanent injunction.” Radiant Glob. Logistics, Inc. v. Furstenau, 951 F.3d 393, 397 (6th Cir. 2020) (quoting Gjertsen v. Bd. of Election Comm’rs, 751 F.2d 199, 202 (7th Cir. 1984)).

and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction.” eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388, 391 (2006) (citations omitted). “The four-factor eBay test is a balancing test under which the plaintiff must demonstrate that the totality of circumstances weighs in its favor.” Smith & Nephew, Inc. v. Synthes (U.S.A.), 466 F. Supp. 2d 978, 982 (W.D. Tenn. 2006), amended in part, No. 02-2873 MA/A, 2006 WL 8435285 (W.D. Tenn. Oct. 27, 2006) (citing Canadian Lumber Trade All. v. United States, 441 F.Supp.2d 1259, 1261–62 (CIT 2006), aff’d, 517 F.3d 1319 (Fed. Cir. 2008)). Granting or denying “permanent injunctive relief is an act of equitable discretion by the district court.” Id. “Under Federal Rule of Civil Procedure 65(d), an order granting an injunction must (1) state the reasons why it issued, (2) state its terms specifically, and (3) describe in reasonable detail the acts restrained or required.” Gas Nat. Inc. v. Osborne, 624 F. App’x 944, 948 (6th Cir. 2015).

Mr. Philipson has had multiple opportunities to challenge MAA’s factual allegations against him in the motions for injunctive relief, both preliminary and permanent, and has not done so. Nor did he challenge the Court’s factual or legal findings in its Order granting in part MAA’s preliminary injunction.² Therefore, the evidence before the Court at this stage remains

² The Court also notes that Mr. Philipson never filed an answer in this matter and, when he was given the opportunity during his deposition to challenge many of the factual assertions MAA has made in this litigation, he did not do so, instead repeatedly saying that he did not recall whether he engaged in the actions alleged by MAA. (See, e.g., ECF No. 87-1 at PageID 1173 (“So instead of sitting here and going through all this stuff and me saying I don’t recall and all that, we can just switch it around because I’m just not going to recall anything anymore.”); id. at PageID 1198 (“I don’t recall any of this. So we can go through it one by one. I don’t recall any of this, unfortunately.”); id. at PageID 1200 (“I’m not going to deny anything.”); id. at PageID 1231 (“Again, I’m not unequivocally denying anything right now. I don’t – I have no recollection of doing it.”); id. at PageID 1259–60 (“I don’t recall a lot of the stuff. And if I did do it, . . . I don’t like the way I’m being – the way this is portrayed. And some of it’s pretty terrible. So it’s making me think even I got more mental problems than I really do if I did do this.”).)

unchanged—and unchallenged—as that which was before the Court at the preliminary injunction stage. And, just as was the case as to the preliminary injunction, “when there is no dispute of material fact alleged, then it may be appropriate for a court to decide a case without an evidentiary hearing.” United States v. Owens, 54 F.3d 271, 277 (6th Cir. 1995) (citing United States v. McGee, 714 F.2d 607, 613 (6th Cir. 1983)).

Given the state of the record, MAA has demonstrated each of the elements required for the imposition of a permanent injunction, thus warranting converting the preliminary injunction as it applies to its claims for negligence per se and defamation.³ The analysis the Court articulated in its Order establishing the preliminary injunction applies with equal force here and is described briefly below in the context of eBay’s four-factor test.

First, MAA has shown that it has suffered irreparable injury as a result of Mr. Philipson’s actions both in the virtual and tangible realms. Mr. Philipson’s stalking has caused emotional harm to MAA’s employees (see, e.g., Decl. of Jay Blackman (ECF No. 84)), and has caused MAA to incur significant costs, including having to purchase credit monitoring services for its employees and outside counsel, employing cyberstalking experts to trace Mr. Philipson’s

³ MAA filed its Motion for Judgment prior to the Court’s Order that put in place the preliminary injunction. The Order explained that, although MAA demonstrated a likelihood of success as to its negligence per se and defamation claims, it did not provide evidence that it relied upon Mr. Philipson’s false representations to its detriment, a necessary element of its common-law fraud and deceit claim. (ECF No. 94 at PageID 1548–50.) The Court thus denied the motion for preliminary injunction as to that claim, but noted that it “has not identified any activities that MAA seeks to enjoin Mr. Philipson from engaging in that are tied exclusively to its claim for common-law deceit.” (Id. at PageID 1550 n.10.)

At the contempt hearing, MAA’s counsel indicated that MAA did not have any additional proof to support its claim for deceit. The permanent injunction is thus **DENIED** as to that claim. However, as was the case with the preliminary injunction, that denial has little practical effect, as none of the activities enjoined through this Order are connected solely to MAA’s deceit claim.

activities, and incurring significant attorneys' fees to address Mr. Philipson's trademark infringement (ECF No. 82 at PageID 919).

At the same time, Mr. Philipson's defamatory statements found in the multiple emails he sent in early January 2024 included a series of misrepresentations and innuendo regarding MAA, its employees, and current and former employees of Bass, Berry & Sims, MAA's counsel in the case. Those statements resulted in the sort of irreparable reputational harm to MAA and its employees and that harm is likely to continue absent implementation of the permanent injunctive relief described below.

Second, MAA has demonstrated that the remedies available at law are inadequate to compensate for the injuries it has suffered at the hands of Mr. Philipson, including that which has resulted from his negligence per se and defamatory conduct.⁴ Monetary damages alone are insufficient to compensate MAA for the harms that have resulted from those actions, and enjoining Mr. Philipson from engaging in the activities that give rise to MAA's claims is necessary.

Third, considering the balance of hardships between the MAA and Mr. Philipson, a remedy in equity in the form of this permanent injunction is warranted. Any harm Mr. Philipson may encounter due to the issuance of the permanent injunction (which is minimal, at most), is outweighed by the ongoing harms MAA would suffer if the injunction were denied. Moreover,

⁴ In the hearing on the contempt finding, counsel for MAA indicated that it was unaware of any additional tortious actions that Mr. Philipson had engaged in after the Court entered the preliminary injunction. Given that some of Mr. Philipson's tortious activities took place between MAA's filing of the lawsuit and the preliminary injunction Order, a permanent imposition of the provisions of the preliminary injunction seems to be necessary—and is likely to ensure that Mr. Philipson does not revert to his previous activities.

the terms of the permanent injunction specifically carve out limitations that ensure that Mr. Philipson's First Amendment rights are protected.

Lastly, the public interest would not be disserved by a permanent injunction. As explained in the preliminary injunction Order, the public, which includes MAA, its employees, its counsel, and others, have a right to be protected from Mr. Philipson's stalking and defamation.

Given the foregoing, the preliminary injunction previously granted to Plaintiff is hereby **CONVERTED** to a permanent injunction.

IT IS THEREFORE ORDERED THAT:

1. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from creating or setting up any social media account or any other type of account in the name, or a confusingly similar name, of any Mid-America Apartment Communities, Inc., Mid-America Apartments, L.P., any of their respective affiliates, and its and their respective present or past shareholders, directors, officers, managers, partners, employees (other than Defendant), agents and professional advisors (including but not limited to attorneys, accountants and consultants (collectively, "MAA Persons")), without such individual's or entity's express written permission.
2. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from attempting to access or take control of any social media account or any other type of account or device, or to change the login credentials of any account or device, in the name of any MAA Person without such individual's or entity's express written permission.

3. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from applying for jobs in the name of any individual MAA Person without the individual's express written permission.
4. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from applying for credit cards or any other type of financial instrument or loan in the name of any MAA Person without the individual's or entity's express written permission.
5. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from purchasing domain names that contain the MAA trademarks and/or from setting up and/or publishing a website that uses MAA's trademarks in an infringing manner or in a manner that is likely to cause confusion among MAA customers and the apartment rental marketplace.
6. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from setting up social media accounts, whether on LinkedIn or otherwise, that falsely purport to be a MAA-sanctioned account or that use the MAA trademarks in a manner that is infringing or likely to cause confusion among MAA customers and the apartment rental marketplace.
7. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from accessing or attempting to access MAA's computer systems or servers.
8. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from contacting any individual MAA Person in-

- person or by phone, electronic mail, text message, social media, direct message, or any other method, without the express written consent of such person.
9. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from committing any threats, stalking, cyberstalking or intimidating behavior as described in 18 U.S.C. § 2261A.
10. Defendant shall not come within 500 feet of any MAA office, to include parking structures.
11. Other than as noted in Paragraph 12 below, Defendant Philipson, whether under his own name or a false name, and those in active concert with him, are hereby enjoined and prohibited from using, posting, publicizing, disseminating, or distributing statements, including but not limited to e-mails, the leaving of a review on an internet platform, or assisting another in doing same, that state or imply that:
- a. MAA's General Counsel, Rob DelPriore has participated in illegal or improper stock transactions;
 - b. that it was unethical or improper for Rob DelPriore to have previously been employed at Bass, Berry & Sims;
 - c. there is something improper, illegal, or untoward about the corporate structure of MAA;
 - d. that MAA lacks proper insurance coverage;
 - e. that MAA and its corporate activities have compromised "tenant safety;"
 - f. that MAA has inadequate mold and water remediation such that they threaten tenant health and "property integrity";
 - g. that MAA spends lavishly at the expense of the tenants;

- h. that MAA has dangerous policies with regard to residents' pets;
- i. that MAA has inadequate grill safety measures;
- j. that MAA or its counsel has committed wrongful or improper conduct by attempting to serve a subpoena in his lawsuit.

12. Nothing in this Order shall in any way limit Defendant's right to make whistleblowing complaints or to otherwise communicate with a government agency, as provided for, protected under, or warranted by applicable law.
13. Any confidential material belonging to MAA in Defendant's possession, custody, or control (or in the possession, custody, or control of those in active concert with him) shall be immediately returned to MAA without any copies being retained.

MAA'S MOTION FOR JUDGMENT

At the contempt hearing, MAA indicated that it was seeking the sanction of judgment under Federal Rules of Civil Procedure 16 and 37, as well as the Court's inherent authority.

Under Rule 16(f), courts "may issue any just orders," including rendering a default judgment against a disobedient party, if the party "(A) fails to appear at a scheduling or other pretrial conference; (B) is substantially unprepared to participate—or does not participate in good faith—in the conference; or (C) fails to obey a scheduling or other pretrial order." Rule 37, whose sanctions are incorporated into Rule 16(f), also provides that a court may issue just orders for failure "to obey an order to provide or permit discovery," including rendering a default judgment against a disobedient party.⁵ Finally, federal courts have the inherent power to manage

⁵ "Unlike under [Federal Rule of Civil Procedure] 55, which requires entry of default as a predicate to default judgment, Rules 16(f) and 37(b)(2)(A)(vi) authorize the Court to render default judgment against the disobedient party." Stewart v. Complete Home Care Servs. of TN, Inc., No. 1:19-CV-00082, 2021 WL 3037499, at *4 (M.D. Tenn. July 19, 2021), report and recommendation adopted, No. 1:19-CV-00082, 2021 WL 3634780 (M.D. Tenn. Aug. 17, 2021).

their own dockets and are imbued with powers that are “governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991) (quoting Link v. Wabash R. Co., 370 U.S. 626, 630–631 (1962)).

Granting judgment in MAA’s favor is warranted on each of these grounds.

A. Judgment Under Rules 16 and 37

Courts in the Sixth Circuit consider four factors when determining whether dismissal is an appropriate sanction for failure to comply with a discovery obligation or other court order:

(1) whether the party’s failure is due to willfulness, bad faith, or fault; (2) whether the adversary was prejudiced by the dismissed party’s conduct; (3) whether the dismissed party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered before dismissal was ordered.

Mager v. Wisconsin Cent. Ltd., 924 F.3d 831, 837 (6th Cir. 2019) (quoting United States v. Reyes, 307 F.3d 451, 458 (6th Cir. 2002)). “Although no one factor is dispositive, dismissal is proper if the record demonstrates delay or contumacious conduct . . . [which] refers to behavior that is perverse in resisting authority and stubbornly disobedient.” Id. (citations omitted); see also Ndashuriye v. Albert Schweitzer Soc’y, USA, Inc., 136 F. App’x 795, 800 (6th Cir. 2005) (“In general, the first factor—bad faith—is the most important.”) Granting such relief is up to the Court’s discretion and, “[s]imply put, ‘if a party has the ability to comply with a discovery order and does not, dismissal,’ and we add or entry of default, ‘is not an abuse of discretion.’” Bank One of Cleveland, N.A. v. Abbe, 916 F.2d 1067, 1073 (6th Cir. 1990) (quoting Regional Refuse Sys. v. Inland Reclamation Co., 842 F.2d 150, 154 (6th Cir. 1988)).

1. Mr. Philipson's Conduct is Willful, in Bad Faith and Contumacious

Mr. Philipson's failure to abide by this Court's orders and failure to engage in the discovery process are willful and in bad faith, and he has repeatedly demonstrated contumacious conduct. He has failed to appear at multiple pretrial conferences and has failed to obey multiple orders this Court has issued. For example, after the Court referred the matter to Chief Magistrate Judge Tu M. Pham for mediation in November 2023 (ECF No. 71), Judge Pham held a status conference that Mr. Philipson failed to attend, and then held the mediation that Mr. Philipson also did not attend (ECF Nos. 72 & 74). The Court set a status conference related to MAA's motion for preliminary injunction for February 8, 2024, to be conducted via Microsoft Teams. (ECF No. 88.) Mr. Philipson also failed to attend that hearing. (ECF No. 89.)⁶ The Court has issued multiple show cause orders to which Mr. Philipson has failed to respond. (See ECF Nos. 90 & 91.) After the Court found Mr. Philipson in contempt (ECF No. 94), it set a hearing to give him the opportunity to purge the contempt (ECF No. 95), and he failed to appear at the hearing (ECF No. 96).

Mr. Philipson has similarly refused to engage in discovery and has made inconsistent representations to MAA regarding the existence of documents that he may have that are responsive to the discovery requests it propounded upon him.⁷ For example, on April 7, 2023,

⁶ As it does with all virtual hearings, the Court filed a setting letter on the docket and followed up with an email to the Parties prior to the conference instructing them how to join the hearing. The Court sent that email with the instructions at 2:16 p.m. EST on February 7, 2024, to Court staff, all counsel of record, and to three email addresses that Philipson has been known to use. Seventy-eight days later, Mr. Philipson responded to all of the email recipients to say "Sorry – I cannot make this! See you in June for the trial. Thank you for your email." It was Mr. Philipson's first communication with the Court since December 3, 2023, and, needless to say, untimely. (See ECF No. 77.)

⁷ On April 11, 2023, before Mr. Philipson was a party to the case, MAA served him with a subpoena to produce six categories of documents. (See ECF Nos. 19 & 19-1.) After Mr. Philipson was added as a party, MAA propounded multiple sets of discovery requests upon him,

Mr. Philipson emailed Bass, Berry & Sims that “[w]e are about to publicly release a complaint we filed with the SEC, DOJ, and IRS regarding the accuracy of their financials in 2021.” (ECF No. 19-2 at PageID 293.) Similarly, on September 8, 2023, Mr. Philipson informed MAA’s counsel that he “possess[ed] the tracking details for the disk sent to the SEC, IRS, & DOJ.” (ECF No. 62-2 at PageID 605.) Despite these statements, according to MAA, Mr. Philipson never produced any such documents.

On September 8, Mr. Philipson also appeared to hint that he might have additional materials responsive to the subpoena, but he placed the onus on MAA to identify materials it had so that he could then verify whether he also had materials in his possession. He wrote to MAA’s counsel the following:

Might I propose that you share some of the specific documents in question? This would allow me to cross-reference and ensure that there hasn’t been any oversight or misunderstanding. . . .

Following November 2021, my recollections consist of interactions with many individuals and entities, including employees, ex-employees, and contractors, among others, plus emergency notifications associated with MAA’s services. As for direct correspondence from MAA, nothing specific stands out. There was an email from Robert Delpriore earlier this year, which, to be honest, felt a bit out in left field. If you’ve found something specific in this regard, I’d appreciate it if you could point it out, and I’ll certainly take a look.

(ECF No. 62-7 at PageID 630–31.) The next day, Mr. Philipson told MAA’s counsel that he would be happy to review things another time to make sure he did not overlook anything, but wrote that “[i]f there’s a particular detail or item you have in mind, kindly bring it to my attention—it will expedite the process.” (*Id.* at PageID 630.)

which included overlapping requests for the information sought in the subpoena. According to MAA, Mr. Philipson has been non-responsive to the subpoena and the discovery requests, both before and after he was named a party to the case.

On September 11, 2023, Mr. Philipson again represented that he found at least one responsive document, “a LinkedIn screenshot from Mr. Delpriore linking him with Bass, Berry, and Sims.” (ECF No. 62-4 at PageID 612.) He also wrote that “there hasn’t been much beyond that,” which implies there was at least something else beyond that. (*Id.*) Yet, he did not produce that screenshot or, it appears, anything else he referenced having located. Mr. Philipson has also implied in his communications with counsel and in his filings with the Court that he has written Google reviews of MAA (ECF No. 62-5 at PageID 621), and filed a formal complaint “against the legal counsel for the Plaintiff with the Board of Professional Responsibility of the Supreme Court of Tennessee” (ECF No. 33 at PageID 344). MAA represents that Mr. Philipson has not produced anything related to either of these categories of documents, despite his obligation to do so. (ECF No. 62 at PageID 595.)

In short, Mr. Philipson has treated discovery as a game of cat-and-mouse. But contrary to Mr. Philipson’s approach, discovery involves the production of all relevant, non-privileged materials, and is not a process of determining what documents the requesting party already has before tailoring your production to match those documents.

As the foregoing examples illustrate, Mr. Philipson’s refusal to engage in discovery, to honor his discovery obligations, and his repeated flouting of this Court’s orders, is willful, in bad faith, and the sort of contumacious conduct warranting default judgment as a sanction under both Rule 16 and 37.

2. MAA Has Been Prejudiced by Mr. Philipson’s Conduct

MAA has clearly been prejudiced by Mr. Philipson’s conduct. It has attended numerous hearings that Mr. Philipson has failed to attend. It has filed multiple motions in an attempt to get Mr. Philipson to provide discovery. It has repeatedly sent him emails in an effort to advance this

litigation, and frequently been ignored. This factor also weighs in favor of granting default judgment in MAA's favor.

3. Mr. Philipson was Warned That Default May be Entered Against Him

The Court previously warned Mr. Philipson that a failure to respond to its show cause orders may result in default being entered against him. (ECF No. 21.) The Court's more recent warnings to Mr. Philipson focused on the steps it will take related to his ongoing contempt. (See ECF No. 90 at PageID 1473–74; ECF No. 94 at PageID 1557.) The fact that the Court has not recently warned him that a default judgment might be entered against him does not forestall the entry of a default judgment in light of his ongoing contumacious conduct. See Mager, 924 F.3d at 840 (explaining that “a district court should impose a penalty short of dismissal unless the derelict party has engaged in bad faith or contumacious conduct” and that a “lack of a prior warning would not prevent dismissal of the complaint as a first sanction”).

Mr. Philipson has previously been warned that a failure to abide by the Court's orders may result in default being entered against him and his repeated disregard of the Court's orders, and waste of judicial and counsel's resources, weigh in favor of granting a default judgment against him.

4. Less Drastic Sanctions Were Imposed and Considered

Finally, the Court has both considered and imposed less drastic sanctions against Mr. Philipson based upon his conduct in this matter. The Court held Mr. Philipson in contempt after issuing multiple orders to show cause that went unanswered. (ECF No. 94.) The Court set a hearing to provide Mr. Philipson an opportunity to purge that contempt, but he failed to attend. (ECF No. 96.) The Court warned Mr. Philipson that a failure to attend the hearing may result in it issuing a warrant for his arrest and directing that he be held in custody pending a hearing.

(ECF No. 94.) At the contempt hearing, the Court explained to MAA's counsel that, rather than issue an arrest warrant for Mr. Philipson, it would instead rule on the permanent injunction motion. In other words, the Court has done all it can to try to get him to cooperate in this litigation, short of ordering the United States Marshals Service to bring him before the Court. This factor also weighs in favor of entering default judgment against Mr. Philipson.

Consistent with the foregoing, each of the factors that must be considered when determining whether dismissal is an appropriate sanction for failure to comply with a discovery obligation or other court order weigh in favor of granting default judgment in MAA's favor.

B. Judgment Pursuant to the Court's Inherent Authority

In addition to being warranted under Rules 16 and 37, default judgment is also warranted under the Court's inherent authority. The Court does not arrive at this conclusion lightly, recognizing that, "[b]ecause of their very potency, inherent powers must be exercised with restraint and discretion." Chambers, 501 U.S. at 44 (citing Roadway Express v. Piper, 447 U.S. 752, 764 (1980)).

However, Mr. Philipson's actions have continually thwarted the orderly and expeditious disposition of this case. He did not engage in mediation, despite the Court's appointment of one of its magistrate judges to conduct the mediation. His refusal to engage in discovery has made it impossible for MAA to abide by the deadlines set in the Scheduling Order. (See ECF No. 47.) He has ignored the Court's orders, failed to attend multiple hearings and to respond to multiple show cause orders. In short, if Mr. Philipson's conduct is not the sort that warrants the invocation of the Court's inherent powers to manage its docket, then it is difficult to imagine what conduct would so qualify.

Therefore, under Rules 16 and 37 and this Court's inherent authority, the Court

GRANTS MAA's Motion for Judgment. The terms of the judgment are as follows:

- Mr. Philipson is liable under each claim for the relief set forth in the First Amended Complaint (ECF No. 16);
- Mr. Philipson is liable to MAA for all damages it has suffered by reason of his unlawful acts;
- Mr. Philipson is required to pay enhanced and/or punitive damages to MAA, as determined by this Court, for his deliberate and willful trademark infringement and unfair competition;
- Mr. Philipson is required to pay MAA treble damages for the injury he has caused under Tennessee's Consumer Protection Act;
- Mr. Philipson is required to pay MAA's reasonable attorneys' fees and disbursements incurred during this litigation;
- Mr. Philipson is required to pay MAA all damages to which it is entitled for his defamation, negligence per se, deceit, intentional interference with prospective business advantage, and violations of the Tennessee Personal and Commercial Computer Act of 2003;
- Mr. Philipson is required to pay MAA the cost of this action;
- Mr. Philipson is required to pay pre- and post-judgment interest on all amounts to which Plaintiff is due.

Within fourteen days of the entry of this Order, MAA shall submit a detailed description of the damages it has incurred, consistent with the findings within this Order. To the extent a damages hearing will be necessary, the Court will set it by separate order.

CONCLUSION

MAA's Motion for Sanctions of Judgment and Permanent Injunction Against Philipson is hereby **GRANTED IN PART**. Mr. Philipson is permanently enjoined from engaging in the activities as outlined above. (*See supra* pp. 7–10.) Default judgment is also entered in MAA's favor, consistent with the terms outlined above.

The Clerk is **DIRECTED** to mail this Order to:

Dennis Michael Philipson
6178 Castleton Way
Alexandria, VA 22310

The Clerk shall also email this Order to dphilipson1982@yahoo.com and mphilly@gmail.com.

IT IS SO ORDERED, this 6th day of May, 2024.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

Exhibit A

RECEIVED

01/28/2025

KELLY L. STEPHENS, Clerk



United States Court of Appeals
FOR THE SIXTH CIRCUIT

OFFICE OF THE CIRCUIT EXECUTIVE
503 POTTER STEWART UNITED STATES COURTHOUSE
100 EAST FIFTH STREET
CINCINNATI, OHIO 45202-3988

Marc Theriault
CIRCUIT EXECUTIVE

telephone: 513-564-7200
fax: 513-564-7210

August 9, 2024

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

Re: *Complaint of Judicial Misconduct* No. 06-23-90121

Dear Mr. Philipson:

Enclosed is a copy of an Order with a Supporting Memorandum signed by the Chief Judge, in which your complaint of judicial misconduct was dismissed.

Pursuant to Rule 18 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, you have the right to file a petition for review of the chief judge's disposition with the Sixth Circuit Judicial Council. If you wish to file a petition for review, your petition must be received in this office within 42 days of the date of the Chief Judge's Order.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc Theriault", is written over a horizontal line.

Marc Theriault
Circuit Executive

MT/ab

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:
Complaint of Judicial Misconduct

No. 06-23-90121

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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by Dennis Phillipson ("complainant") against the Honorable Sheryl H. Lipman, Chief United States District Judge for the Western District of Tennessee ("subject judge"), under 28 U.S.C. § 351. The complainant generally challenges the subject judge's handling of civil litigation to which he is a party.

After conducting an initial review, the chief circuit judge may dismiss a complaint of judicial misconduct as to which he concludes: (A) that the claimed conduct, even if it occurred, "is not prejudicial to the effective and expeditious administration of the business of the courts"; (B) that the complaint "is directly related to the merits of a decision or procedural ruling"; (C) that the complaint is "frivolous," a term that applies to charges that are wholly unsupported; or (D) that the complaint "lack[s] sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings; see 28 U.S.C. § 352(a), (b).

In his initial complaint, the complainant asserts that the subject judge made errors while presiding over his underlying case and demonstrated bias in favor of the opposing party. In a supplement, he further alleges that the subject judge engaged in misconduct by permitting her law clerk, who was formerly employed by the same law firm as counsel for the opposing party, to work on the underlying case.

This complaint is subject to dismissal. The complainant fails to support his allegations of bias and misconduct with credible facts. His claims are merely hypotheticals, saying that "if" the subject judge did certain things, then misconduct "may" have occurred. He cites no evidence that the subject judge actually did those things. Similarly, the allegation that denying a motion to compel and entering a protective order "suggests a conflict of interest and raises the issue of potential abuse of the discovery process" lacks any factual basis. This portion of the complaint is thus subject to dismissal as lacking sufficient evidence to raise an inference that misconduct occurred. See 28

U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

To the extent the complaint challenges the subject judge's decisions in the underlying litigation, it is also subject to dismissal. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings; such decisions are not the proper subject of a complaint of judicial misconduct. See Rule 4(b)(1), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The Judicial Council is not a court and has no jurisdiction to review the subject judge's rulings or to grant relief requested in the underlying case. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). These claims are therefore subject to dismissal as directly related to the merits of the subject judge's decisions in the underlying proceedings. See 28 U.S.C. § 352(b)(1)(A)(ii); Rules 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Finally, the claim that the subject judge had a conflict of interest in the underlying case because of her law clerk's former employment is also subject to dismissal. A law clerk's former employment does not necessarily create a conflict of interest with the former employer in all future cases. Indeed, the subject judge addressed this in the underlying proceedings, noting that the law clerk's affiliation with the firm in question ceased three years before the lawsuit against the complainant was filed. This claim is thus subject to dismissal as lacking sufficient evidence to raise an inference that misconduct has occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Accordingly, it is **ORDERED** that the complaint be dismissed under 28 U.S.C. § 352(b)(1)(A)(ii)-(iii) and Rules 11(c)(1)(B) and (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

/s/ Jeffrey S. Sutton
Chief Judge

Date: August 9, 2024



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

OFFICE OF THE CIRCUIT EXECUTIVE
503 POTTER STEWART UNITED STATES COURTHOUSE
100 EAST FIFTH STREET
CINCINNATI, OHIO 45202-3988

TELEPHONE: 513-564-7200
FAX: 513-564-7210

MARC THERIAULT
CIRCUIT EXECUTIVE

January 3, 2024

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

Re: Complaint of Judicial Misconduct No. 06-23-90121

Dear Mr. Philipson:

This will acknowledge receipt of your complaint of judicial misconduct against United States Chief District Judge Sheryl H. Lipman.

Your complaint has been filed and assigned the above complaint number. Please place this number on all future correspondence.

In accordance with Rule 8(b) of the Rules of Judicial-Conduct and Judicial-Disability Proceedings and Rule 3(a)(2) of the Rules Governing Complaints of Judicial Misconduct or Disability, a copy of the complaint will be sent to Chief Judge Jeffrey S. Sutton.

I will advise you further upon the disposition of this matter.

Sincerely,

A handwritten signature of Marc Theriault is written in ink above the printed name.

Marc Theriault
Circuit Executive

MT/ab

Exhibit B

RECEIVED

01/28/2025

KELLY L. STEPHENS, Clerk

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

January 7, 2024

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
Maybear1420@gmail.com

Dear Circuit Executive,

I hope this message finds you well. I am writing to provide additional information and follow up on the two complaints I previously submitted. To date, I have not received any form of acknowledgment or confirmation regarding these complaints, whether by phone, email, or traditional mail. Despite my efforts in reaching out twice via telephone, there has been no assurance or indication that my concerns are being addressed. Furthermore, I understand that my earlier complaint may have been communicated to the four attorneys involved, which raises some concerns for me. I am eager to receive an update on the status of my complaints and any actions being taken.

Thank you for your attention to this matter.

Sincerely,

Dennis Philipson

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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,

IMPORTANT!

Mr. Mrs. _____

We have attempted delivery of an official court document.

Please call 703-785-2447 to arrange delivery at a
convenient time and place.

Thank You: _____

Agent Barber



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UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Mid-America Apartment Communities, Inc.

Plaintiff

v.

Dennis Philipson

Defendant

Civil Action No. 2:23-cv-02186-SHL-cgc

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Kerrie Philipson, 6178 Castletown Way, Alexandria, VA 22310

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:

Bass, Berry & Sims, 1201 Pennsylvania Ave. NW #300,
Washington, D.C. 20004

Date and Time:

01/04/2024 9:30 am

The deposition will be recorded by this method: Stenography and Video

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

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: 12/05/2023

CLERK OF COURT

OR

/s/ Paige Waldrop Mills

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 ("MAA"), who issues or requests this subpoena, are:

Paige Mills, Bass, Berry & Sims, 150 3rd Ave S; Nashville, TN 37201; pmills@bassberry.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, 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).

Bass, Berry & Sims Welcomes Six New Attorneys to the Firm

Firm News

September 24, 2015

Nashville, Tenn., (September 24, 2015) – Bass, Berry & Sims PLC is pleased to welcome six new attorneys to the firm. Five of the attorneys will be based in the firm's Nashville office; one in Memphis.

Neal B. Curtis (Associate, Nashville) counsels healthcare clients related to mergers, acquisitions and dispositions. Prior to joining Bass, Berry & Sims, Curtis served as a law clerk for U.S. Magistrate Judge Hanly Ingram in the U.S. District Court for the Eastern District of Kentucky. Curtis earned his law degree from Vanderbilt Law School. He received a B.S. from Vanderbilt University.

Valere B. Fulwider (Attorney, Nashville) advises healthcare providers and companies on the operational and transactional aspects of their business and provides complex regulatory analysis on issues that impact acquisitions, contracts and compliance. Prior to joining Bass, Berry & Sims, Fulwider worked with the American Heart Association's Office of Public Advocacy. She earned her law degree from the Columbus School of Law and her B.A. from Colgate University.

Courtney Ginn (Associate, Nashville) assists healthcare clients with various transactional, regulatory and operational matters. Prior to joining the firm, Ginn served as a clerk for the Honorable Thomas Ludington in the U.S. District Court for the Eastern District of Michigan. Ginn earned her law degree from Emory University School of Law. She received a B.A. from Duke University.

Brian Irving (Associate, Nashville) counsels clients related to commercial litigation, including business fraud, breach of contract disputes, shareholder litigation and securities fraud cases. Prior to joining Bass, Berry & Sims, Irving served as a law clerk to the Honorable Bobby E. Shepherd on the U.S. Court of Appeals for the Eighth Circuit. Irving earned his law degree from Vanderbilt Law School and received a B.A. from Yale University.

Michael P. Kapellas (Associate, Memphis) focuses on representing clients in business disputes and general commercial litigation and works with broker-dealers and financial institutions to resolve various disputes and regulatory matters. He earned his law degree from The University of Memphis, Cecil C. Humphreys School of Law. Before entering law school, Kapellas was a journalist and taught journalism courses at the collegiate level. He earned an M.A. from Indiana University's School of Journalism and he received a B.J. from the University of Missouri.

J. Paul Singleton (Associate, Nashville) represents companies in a wide variety of business related matters in the areas of mergers and acquisitions, financing and general business planning. Prior to joining the firm, Singleton practiced at Manier & Herod in Nashville. He also served in the U.S. Marine Corps in the Middle East aboard the USS Constellation prior to beginning his legal career. Singleton earned his law degree from the University of Tennessee College of Law and a B.S. from the University of Kentucky.

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




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 United States District Court, Western District of Tennessee
 Aug 2019 - Present · 3 years 6 months
 Memphis, Tennessee, United States




Associate
 Law, Levey & Davis
 Aug 2017 - Aug 2018 · 1 year
 Represents clients in business disputes and general commercial litigation and works with business leaders and financial institutions to resolve without disputes and regulatory matters.
 Memphis, TN



Judicial Law Clerk
 United States District Court Western District of Tennessee
 Apr 2016 - Aug 2017 · 1 year 3 months
 Memphis, TN




Intern, Office of General Counsel
 Supreme Medical Center of Memphis
 May 2017 - Aug 2017 · 4 months



Assistant Professor
 Law College
 Aug 2019 - Jan 2021 · 2 years 11 months
 Nashville, TN


- Instructor of record for five classes on seminar at 2,000-student Belmont's West College
- Taught Middle East and Ethics, and all of the school's first generative courses
- Served as faculty representative for Institutional Review Board as well as faculty advisor for the West Communications Club and the BLS Legal Internship




Reporter
 Sun-Times News Group
 Nov 1998 - Jan 2000 · 2 years 1 month
 Naperville, Illinois

- Staff writer for influential Chicago newspapers, covering news, sports and features
- Won 11 national awards, including three first-place awards from the National Press Association
- Won 11 writing awards, including three first-place awards from the Illinois Press Association and two second & Copying of Gold awards


Education



The University of Memphis-Cecil C. Humphreys School of Law
 JD Law
 2019 - 2021
 Academic and Scholarships, Member, Student Diversity Committee, Recipient, Herbert Hefl Foundation Law Scholarship




Indiana University Bloomington
 Master of Public Administration
 2019 - 2020




University of Missouri-Columbia
 BA Journalism
 1997 - 1999

Publications




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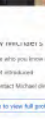
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Presented 30-minute webinar on conflict and communication during the Treasurer office training

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
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
Patricia Jones
 Communications PR
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
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
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comments	
company	
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subject	

file_name	11-1-23 - Protective Order.pdf
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pdf_version	1.6
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linearized	No
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author	Michael Kapellas
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comments	
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company	
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create_date	2023:05:16 09:11:02-05:00
modify_date	2023:05:16 09:15:06-05:00
language	en-US
tagged_pdf	Yes
xmp_toolkit	Adobe XMP Core 5.1.0-jc003
product	Microsoft® Word for Microsoft 365, modified using iText® 7.1.0

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linearized	No

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modify_date	2023:11:07 12:56:36+00:00
subject	2:2023cv02186 - Mid-America Apartment Communities, Inc. v. DOE-1 et al
page_count	8
xmp_toolkit	XMP toolkit 2.9.1-13, framework 1.6

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mime_type	application/pdf
pdf_version	1.6
linearized	No
author	Michael Kapellas
comments	
company	
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language	EN-US
tagged_pdf	Yes
xmp_toolkit	Adobe XMP Core 5.1.0-jc003
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 11-1-23 - Protective Order.pdf	Michael Kapellas
 015 Order Denying Philipson's Motion to Quash Subpoena.pdf	Kevin Wender
 024 Plaintiff's Response to Court's Show Cause Order and Motion for Default.pdf	
 052-1 Proposed Protective Order.pdf	
 052-1 Proposed Protective Order (1).pdf	
 052-1 Proposed Protective Order (2).pdf	
 052-1 Proposed Protective Order (3).pdf	
 052 Motion for Entry of Protective Order.pdf	
 052 Motion for Entry of Protective Order (2).pdf	
 57 - Order Plaintiff To FILE Notice.pdf	Michael Kapellas

	11-1-23 - Protective Order.pdf	
	57 - Order Plaintiff To FILE Notice.pdf	
	ORDER DENYING MOTION TO COMPEL AND MOTION FOR EXPEDITED.pdf	
	ORDER DENYING MOTION TO COMPEL AND MOTION FOR EXPEDITED.pdf	

Michael Kapellas

Michael Kapellas

Michael Kapellas

Michael Kapellas

Additionally, the Plaintiff's complaint frequently contends that the Defendant has been unresponsive to various forms of legal communications, including but not limited to complaints, subpoenas, and other legal notices. However, it is important to note that, under Federal Rule of Civil Procedure 12(b)(6), the Defendant is under no obligation to mount a defense against allegations that lack substantive merit and are frivolous in nature. Notably, the Defendant did not intentionally ignore communications; rather, emails from the Plaintiff's legal counsel, Attorney Paige Mills, were inadvertently blocked. Despite this, the Defendant actively engaged in correspondence with Attorney Mills' paralegal on three distinct occasions, as evidenced in (Exhibit A). Moreover, on June 14, 2023, in an effort to address concerns over potential breaches of email privacy due to unauthorized subpoenas, the Defendant explicitly indicated a preference for future communications to be conducted through the more secure medium of U.S. Postal Service mail, as documented in (Exhibit B).

LEGAL ARGUMENT

I. Inadequacy in Stating a Claim for Which Relief Can Be Granted

The Plaintiff's Complaint does not meet the well-established criteria for asserting a claim that warrants judicial relief, per leading U.S. Supreme Court cases like 'Bell Atlantic Corp. v. Twombly,' 550 U.S. 544 (2007), 'Ashcroft v. Iqbal,' 556 U.S. 662 (2009), and 'Erickson v. Pardus,' 551 U.S. 89 (2007).

A. The Plaintiff's Factual Allegations Are Insufficient

The Complaint submitted by the Plaintiff, MAA is notably deficient in its reliance on uncorroborated and speculative assertions. A key element of MAA's case is an affidavit provided by Leslie Wolfgang without documented interactions with the Defendant (Docket No. 14). Wolfgang's affidavit assumes that stylistic aspects of anonymous submissions could be used to attribute these to the Defendant. These claims lack empirical substantiation from any linguistic or stylometric experts and do not pass the rigorous Daubert standard for admitting scientific evidence ('Daubert v. Merrell Dow Pharmaceuticals, Inc.,' 509 U.S. 579 [1993]). This lack of expert corroboration severely undermines the Complaint's ability to meet the "plausibility" criteria dictated by 'Twombly' and 'Iqbal.'

B. Absence of Key Information Weakens Plaintiff's Case

It's significant to note that the Plaintiff's filings conspicuously omit references to key employees at MAA - specifically, Glenn Russell, Anwar Brooks, and EVP of General Counsel Robert DelPriore—with whom the Defendant has communicated in relation to whistleblowing activities submitted internally within MAA. The absence of these individuals from the Plaintiff's case not only raises credibility issues but also invites questions about the comprehensiveness and factual integrity of their allegations. Additionally, the Plaintiff's submissions fail to disclose Mr. DelPriore's former association with Bass, Berry & Sims PLC, leaving a potentially substantial conflict of interest unaddressed. Importantly, Mr. DelPriore is fully aware of the Defendant's whistleblower complaints against both firms and understands the gravity of the allegations.

C. Procedural Fairness and Transparency Concerns

The Plaintiff makes allegations grounded in a response from a third-party subpoena, which has not been officially entered into the court record. Such withholding of evidence raises significant concerns about procedural fairness and transparency, potentially violating Federal Rule of Civil Procedure 26(e)(1)(A). This Rule explicitly requires parties to correct or supplement incomplete or incorrect disclosures. The Plaintiff's inability to disclose this key piece of evidence impacts the overall plausibility of their claim, as has been highlighted in the Defendant's earlier response to the court's order to show cause (Docket No. 22). The only nexus between the Defendant, a former employee, and the purported harassment appears to emanate from the Defendant's whistleblower submissions to the company in 2021. Such meager and tangential evidence fails to meet the "plausibility" standard articulated by the U.S. Supreme Court in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Consequently, it does not suffice to establish a valid claim for relief.

D. Subpoena Admissibility and Compliance

Assuming *arguendo* that the third-party subpoena in question accurately identifies the Defendant's IP address, the absence of clear documentation detailing the proper legal procedures for acquiring such sensitive information raises significant concerns. These concerns are heightened when considering the requirements of Federal Rule of Civil Procedure 45, which governs the issuance, service, and enforcement of subpoenas. Under Rule 45, subpoenas must be issued in accordance with specific guidelines, including, among others, appropriate notice to parties and adherence to jurisdictional bounds. Failure to comply with these mandates could lead to sanctions or, more critically, the exclusion of evidence obtained through the subpoena.

Should any of these procedural safeguards have been compromised in the acquisition of the Defendant's IP address, the admissibility of this pivotal evidence could be seriously jeopardized. Such a lapse would not only undercut the Plaintiff's case but could also raise questions about the Plaintiff's commitment to procedural integrity. Hence, the Plaintiff's failure to provide documentation validating the subpoena's compliance with Federal Rule of Civil Procedure 45 amplifies existing concerns about the sufficiency and credibility of their claims.

E. Unfounded Assumptions Regarding Defendant's Alleged Mental State and the Absence of Verifiable Proof

The Plaintiff posits conjectural theories about the Defendant's purported intentions in relation to online postings. It is important to emphasize that no verifiable proof linking the Defendant to these posts has been presented, particularly concerning given that such evidence—if it exists—would be crucial to substantiating the Plaintiff's claims at this critical juncture. The absence of this pivotal evidence during the complaint phase further undermines the Plaintiff's case, given that allegations of this nature should be substantiated at the earliest possible stage in the litigation process.

In the absence of definitive evidence or expert behavioral analysis, the Plaintiff's assumptions fall short of establishing "facial plausibility," as articulated by 'Erickson v. Pardus,' 551 U.S. 89 (2007). Furthermore, such speculative claims could be in violation of Federal Rule of Civil Procedure 11(b), which mandates that all allegations, claims, and other legal contentions must be substantiated by current law, or a non-frivolous argument for the extension, modification, or reversal of existing law. Therefore, the allegations concerning the Defendant's supposed mental state not only lack legal sufficiency but also call into question the overall validity of the Plaintiff's claims.

II. Violations Concerning the Issuance and Unauthorized Modification of Subpoenas

The Plaintiff's issuance and modification of subpoenas appear to be in conflict with Federal Rule of Civil Procedure 45 ("Fed. R. Civ. P. 45"). Such conduct leads to unjustifiable infringements on the Defendant's right to privacy.

A. Unauthorized Inclusion of Defendant's Email Addresses in Subpoena to Google

The Plaintiff amended a subpoena issued to Google Inc. to include email addresses that are acknowledged to be associated with the Defendant." Notably, the Defendant was serving solely in the capacity of a witness when the modification of said subpoenas transpired. The Defendant posits that the Plaintiff neither had just cause nor the requisite legal authorization to engage in such an alteration, as further elucidated in (Docket No. 22, Exhibit A).

B. Unlawful Procurement of Defendant's IP Address and Subsequent Subpoena to Defendant's ISP

The manner in which the Plaintiff has obtained the Defendant's Internet Protocol (IP) Address raises questions when compared to the information set forth in the initial complaint. Subsequently, the Plaintiff improperly served a subpoena on Defendant's ISP, lacking both just cause and the necessary legal authorization to do so.

By these actions, the Plaintiff has violated the provisions and the spirit of Fed. R. Civ. P. 45, which governs the issuance and modification of subpoenas within the context of civil litigation.

III. Potential Violation of Due Process Rights in Court Notifications

The defendant experienced deficiencies in notice concerning declined motions and likewise encountered ambiguous or completely missing notifications regarding the administrative closure of dockets. In accordance with Federal Rule of Civil Procedure 4 and the landmark due process case of *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), it is critical for a defendant to receive accurate and timely information concerning pending actions. Failure to provide such essential notice potentially violates the defendant's due process rights under the Fifth and Fourteenth Amendments to the U.S. Constitution

A. Inadequate Court Communication and the Need for Enhanced Efficiency

The court failed to sufficiently address the Defendant's challenges in receiving electronic notifications through the Public Access to Court Electronic Records (PACER) system. This deficiency necessitated that the

Defendant manually track the court docket for significant motions and orders, thereby placing an unwarranted burden on him, as detailed in Exhibit C. This issue could have been expediently resolved if the Clerk's Office had effectively responded to the Defendant's inquiries. Nonetheless, the Defendant located the necessary form on the court's website on September 2nd.

Moreover, the Defendant was not provided with formal notice concerning the administrative closure of Docket No. 2:23-mc-00015-SHL-atc, the scheduling of the review for his Motion to Quash, or the eventual denial of that motion. This lack of communication left the Defendant unaware of these critical developments until much later, representing a court failure to maintain requisite communication.

B. Inappropriate Inclusion of Opposing Counsel in Email Correspondence

An email sent by the Defendant to the court regarding trial by a magistrate judge went unanswered for a duration of two business days. A misinterpretation of procedural rules led a case manager to improperly include the opposing counsel in this email exchange, as illustrated in Exhibit D. Although the Defendant does not allege malice, the inclusion of opposing counsel was inappropriate in this context, as the communication was intended solely for the court and not for direct correspondence with the judge. This procedural error was subsequently exploited by the opposing attorney, who falsely claimed that the Defendant was attempting to sidestep court rules, as documented in (Docket No. 24).

IV. Unlawful Retribution and Infringement of Whistleblower Protections

The instigation of the present civil lawsuit by Plaintiff Mid-America Apartment Communities, Inc. ("MAA") stands in direct contradiction to the anti-retaliation provisions outlined in Section 1514A of the Sarbanes-Oxley Act (18 U.S.C. § 1514A). This federal statute explicitly protects whistleblowers from retaliatory actions by employers when they lawfully report alleged misconduct, such as fraud or violation of federal regulations.

A. Unauthorized Public Disclosure of Defendant's Identity by Plaintiff

By filing this lawsuit, MAA has exposed the Defendant's identity without sufficient cause, in what appears to be a violation of federal whistleblower protection laws. The lawsuit is grounded in speculative allegations that are tied to the Defendant's lawful submission of internal whistleblower reports to MAA in the year 2021. Such an act of filing this legally unsubstantiated lawsuit can be construed as an additional retaliatory measure against the Defendant, potentially in violation of 18 U.S.C. § 1514A. The United States Supreme Court's decision in *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006), provides a broad interpretation of what constitutes retaliatory actions.

B. Sustained Harassment and Intimidation Targeted at the Whistleblower

Despite contrary assertions by MAA and its legal representative, Paige Mills, it is the Defendant who has been subject to persistent harassment and intimidation. After lawfully submitting internal whistleblower complaints to MAA in November 2021, and subsequently issuing a specific demand for the cessation of all

communications, MAA staff have disregarded this directive. They have continued to engage in unsolicited communications, including but not limited to text messages, emails, intrusive phone calls, and even unwelcome home visits. Such activities seem to be retaliatory in nature, initiated in direct response to the Defendant's filing of whistleblower complaints.

In addition to potentially breaching the Sarbanes-Oxley Act, the Plaintiff's conduct may also be construed as an abuse of the discovery process under Rule 26 of the Federal Rules of Civil Procedure, which governs the "duty to disclose; general provisions governing discovery."

C. Potential Abuse of the Discovery Process

The Plaintiff's conduct in this matter—including issuing wide-ranging document requests via subpoenas, motions, and other forms of communication—raises concerns of possible abuse of the discovery process as delineated by Rule 26 of the Federal Rules of Civil Procedure.

Legal Framework Under Rule 26: Rule 26(b)(1) states that parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense, provided it is proportional to the needs of the case. Rule 26(g), meanwhile, requires that discovery requests must be made in good faith and in compliance with existing laws and rules. Specifically, Rule 26(g) prohibits discovery requests that are intended to annoy, embarrass, or oppress the opposing party.

Evidence of Abuse: Such abuse is exemplified by the Plaintiff's document request for "All documents and things, including electronically stored information, that discuss or relate to Mid-America Apartment Communities, Inc. ("MAA") created on or after March 15, 2021" (Docket No. 6, Exhibit F). This request appears to be overly broad, capturing information that may be irrelevant to the present claims and defenses, and thus can be deemed disproportionate to the needs of the case. Further, the Plaintiff's continuous, unsolicited communications, even after explicit instructions from the Defendant to cease such actions, could be considered as harassment conducted under the cover of discovery.

V. Ongoing Ethical Violations by the Plaintiff's Legal Representative

A formal complaint has been filed against the legal counsel for the Plaintiff with the Board of Professional Responsibility of the Supreme Court of Tennessee. This complaint raises significant ethical concerns, as elaborated below:

A. Concerns Over Altered Subpoenas and Privacy Implications

The Defendant expresses reservations about modifications made to subpoenas by the Plaintiff. According to Federal Rule of Civil Procedure 45, which regulates the issuance of subpoenas, such alterations could impose an "undue burden or expense" on the subpoenaed party. The Defendant argues that these modified subpoenas may breach Rule 45, thereby raising questions about their validity and the potential infringement upon his privacy rights.

B. Questions Regarding Compliance with Federal Rule of Civil Procedure 11 and Ethical Guidelines

In line with Federal Rule of Civil Procedure 11, attorneys have a duty to ensure that all court filings, from pleadings to motions, are factually sound, legally tenable, and not designed for improper objectives such as harassment or delay. Some irregularities appear in the Plaintiff's submissions, both in the form of unclear allegations and possible factual inaccuracies. These issues not only raise questions about compliance with Rule 11 but might also touch on ethical considerations. Specifically, Rule 3.3 of the American Bar Association's Model Rules of Professional Conduct urges lawyers to maintain a standard of candor and honesty when engaging with the court.

These concerns resonate with the broader aim of the judiciary to preserve the integrity of the legal process. Landmark cases such as *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991), highlight the inherent authority that courts have to impose sanctions for behaviors that could compromise the judicial system. This inherent power allows the court to maintain the integrity of the legal process, even when specific statutes or rules don't cover the behaviors in question. As such, the *Chambers v. NASCO* case serves as an important legal touchstone for understanding the scope and boundaries of ethical conduct within the judicial system.

CONCLUSION AND REQUEST FOR RELIEF

In light of the legal standards articulated in *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*, as well as Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Defendant asserts that the Plaintiff's Complaint fails to state a claim upon which relief can be granted. The Plaintiff has not offered sufficient factual matter to make their claim plausible and has instead relied on broad legal conclusions unsupported by evidence.

Therefore, the Defendant respectfully requests that this Honorable Court grant the Motion to Dismiss in its entirety. Moreover, the Court is further invited to grant any additional relief deemed just and appropriate under the circumstances. Submitting this Motion to Dismiss should in no way be interpreted as a waiver of the Defendant's right to engage in subsequent legal actions or to seek compensatory damages in future proceedings.

Respectfully submitted,
Dennis Philipson, Pro Se Defendant
6178 Castletown Way, Alexandria VA 22310
Phillydee100@gmail.com
Dated: September 2, 2023



phillydee100 <phillydee100@gmail.com>

Re: Mid-America Apartment Communities v Dennis Philipson - Motion for Default

phillydee100 <phillydee100@gmail.com>

Fri, Aug 18, 2023 at 6:35 PM

To: "McClanahan, Teresa" <TMcClanahan@bassberry.com>

Cc: "Mills, Paige" <PMills@bassberry.com>

Good afternoon Pam and Teresa,

I received your documents in the mail. Have a nice weekend! Thank you

Dennis

On Tue, Aug 15, 2023, 3:52 PM phillydee100 <phillydee100@gmail.com> wrote:

Thank you! Have a good night and enjoy the rest of your week.

Dennis

On Tue, Aug 15, 2023, 3:50 PM McClanahan, Teresa <TMcClanahan@bassberry.com> wrote:

Mr. Philipson,

Attached are copies of documents filed with the Court today. A hard copy will follow via U.S. Mail.

Thank you.

 Bass Berry Sims**Teresa McClanahan**

Paralegal

Bass, Berry & Sims PLC

150 Third Avenue South Suite 2800 • Nashville, TN 37201

615-259-6787 phone • 615-742-6293 fax •

tmccclanahan@bassberry.com • www.bassberry.com

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Unless specifically indicated otherwise, this email, including any attachments, was not intended and cannot be used for the purpose of (A) avoiding U.S. tax-related penalties or (B) promoting, marketing or recommending to another party any tax-related matter addressed herein.



phillydee100 <phillydee100@gmail.com>

Re: Mid-America Apartment Communities v Dennis Philipson - Motion for Default

phillydee100 <phillydee100@gmail.com>

Mon, Aug 14, 2023 at 5:57 PM

To: "McClanahan, Teresa" <TMcClanahan@bassberry.com>

Cc: "Mills, Paige" <PMills@bassberry.com>

Thank you both. Have a nice evening.

Dennis

On Mon, Aug 14, 2023, 5:08 PM McClanahan, Teresa <TMcClanahan@bassberry.com> wrote:

Mr. Philipson,

Attached are copies of documents filed with the Court today. A hard copy will follow via U.S. Mail.

Thank you.



Bass Berry Sims

Teresa McClanahan

Paralegal

Bass, Berry & Sims PLC

150 Third Avenue South Suite 2800 • Nashville, TN 37201

615-259-6787 phone • 615-742-6293 fax •

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2 attachments

BASS BERRY+SIMS image001.gif
4K

BASS BERRY+SIMS image001.gif
4K



phillydee100 <phillydee100@gmail.com>

Re: Mid-America Apartment Communities v Dennis Philipson - Motion for Default

phillydee100 <phillydee100@gmail.com>

Mon, Aug 14, 2023 at 5:57 PM

To: "McClanahan, Teresa" <TMcClanahan@bassberry.com>

Cc: "Mills, Paige" <PMills@bassberry.com>

Thank you both. Have a nice evening.

Dennis

On Mon, Aug 14, 2023, 5:08 PM McClanahan, Teresa <TMcClanahan@bassberry.com> wrote:

Mr. Philipson,

Attached are copies of documents filed with the Court today. A hard copy will follow via U.S. Mail.

Thank you.

**Teresa McClanahan**

Paralegal

Bass, Berry & Sims PLC

150 Third Avenue South Suite 2800 • Nashville, TN 37201

615-259-6787 phone • 615-742-6293 fax •

tmccclanahan@bassberry.com • www.bassberry.com

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2 attachments**BASS BERRY+SIMS** image001.gif
4K**BASS BERRY+SIMS** image001.gif
4K

FW: US Mail Re: FW: Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Motion for Miscellaneous Relief" inbox x

Mills, Paige

to me, Teresa

Aug 7, 2023, 3:29 PM

☆

↶

⋮

You have blocked PMills@bassberry.com New messages from this sender will be sent to Spam.

Unblock sender

Move to spam

Mr. Phillipson:

I am following up on the message below.

Thanks,

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: Mills, Paige
Sent: Thursday, August 3, 2023 8:13 AM
To: 'phillydee100' <phillydee100@gmail.com>
Cc: McClanahan, Teresa <TMcClanahan@bassberry.com>
Subject: RE: US Mail Re: FW: Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Motion for Miscellaneous Relief"

Mr. Phillipson,

As per the Court's recent order, we must meet and confer regarding a discovery plan for this case. Can you provide several times and dates that might work for you in the next couple of weeks and I will do my best to accommodate something that works for you. This should only take 30 minutes or so.

Best Regards,

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: phillydee100 <phillydee100@gmail.com>
Sent: Wednesday, June 14, 2023 2:30 PM
To: Mills, Paige <PMills@bassberry.com>
Subject: US Mail Re: FW: Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Motion for Miscellaneous Relief"

Please contact us by US Mail.

Thank you,

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.

↶ Reply

↶ Reply all

↷ Forward



phillydee100 <phillydee100@gmail.com>

Please file MOTION to Dismiss 2:23-cv-02186-SHL-cgc

1 message

phillydee100 <phillydee100@gmail.com>
To: IntakeTNWD@tnwd.uscourts.gov
Cc: phillydee100 <phillydee100@gmail.com>

Wed, Aug 30, 2023 at 3:14 PM

Good afternoon,

Could you kindly proceed with filing the attached Motion to Dismiss for Case 2:23-cv-02186-SHL-cgc? If there are any court fees or additional information required, please inform me accordingly.

Thank you for your assistance on this matter. Wishing you a wonderful day!

Best regards,
Dennis Philipson

On Wed, Aug 16, 2023 at 9:36 AM phillydee100 <phillydee100@gmail.com> wrote:

Good morning,

I kindly request confirmation of receipt. I truly appreciate your assistance. Wishing you a wonderful day!

Best regards,
Dennis Philipson

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

From: **phillydee100** <phillydee100@gmail.com>
Date: Tue, Aug 15, 2023 at 5:35 PM
Subject: Response to MOTION 2:23-cv-02186-SHL-cgc
To: <IntakeTNWD@tnwd.uscourts.gov>
Cc: phillydee100 <phillydee100@gmail.com>

Good Afternoon,

~~Would you kindly submit this response for case 2:23-cv-02186-SHL-cgc? Additionally, could you please address my question below concerning Pacer?~~ I have only received one notification, which was for the conference scheduled on 9/11. Thank you for your valuable assistance. Have a pleasant evening.

Best regards,
Dennis Philipson

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

From: **phillydee100** <phillydee100@gmail.com>
Date: Tue, Aug 15, 2023 at 10:33 AM
Subject: Response 2:23-cv-02186-SHL-cgc
To: <IntakeTNWD@tnwd.uscourts.gov>
Cc: phillydee100 <phillydee100@gmail.com>

Good morning,

Could you kindly file this response for case 2:23-cv-02186-SHL-cgc? Additionally, I wanted to inquire if I should expect to receive notifications when there are updates from Pacer. Your help with this issue is greatly appreciated. If I am overlooking any details, please don't hesitate to inform me.

Thank you for your support in this regard.

Dennis Philipson



8-30-2023 - Motion to Dismiss Case.pdf

150K



phillydee100 <phillydee100@gmail.com>

Fwd: Response to MOTION 2:23-cv-02186-SHL-cgc

phillydee100 <phillydee100@gmail.com>
To: IntakeTNWD@tnwd.uscourts.gov
Cc: phillydee100 <phillydee100@gmail.com>

Wed, Aug 16, 2023 at 9:36 AM

Good morning,

I kindly request confirmation of receipt. I truly appreciate your assistance. Wishing you a wonderful day!

Best regards,
Dennis Philipson

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

From: **phillydee100** <phillydee100@gmail.com>
Date: Tue, Aug 15, 2023 at 5:35 PM
Subject: Response to MOTION 2:23-cv-02186-SHL-cgc
To: <IntakeTNWD@tnwd.uscourts.gov>
Cc: phillydee100 <phillydee100@gmail.com>

Good Afternoon,

Would you kindly submit this response for case 2:23-cv-02186-SHL-cgc? Additionally, could you please address my question below concerning Pacer? I have only received one notification, which was for the conference scheduled on 9/11. Thank you for your valuable assistance. Have a pleasant evening.

Best regards,
Dennis Philipson

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

From: **phillydee100** <phillydee100@gmail.com>
Date: Tue, Aug 15, 2023 at 10:33 AM
Subject: Response 2:23-cv-02186-SHL-cgc
To: <IntakeTNWD@tnwd.uscourts.gov>
Cc: phillydee100 <phillydee100@gmail.com>

Good morning,

Could you kindly file this response for case 2:23-cv-02186-SHL-cgc? Additionally, I wanted to inquire if I should expect to receive notifications when there are updates from Pacer. Your help with this issue is greatly appreciated. If I am overlooking any details, please don't hesitate to inform me.

Thank you for your support in this regard.

Dennis Philipson



8-15-23 - Response MOTION FOR ENTRY OF DEFAULT AGAINST DENNIS PHILIPSON.pdf
136K



phillydee100 <phillydee100@gmail.com>

RE: Consent 2:23-cv-02186-SHL-cgc

Melanie Mullen <Melanie_Mullen@tnwd.uscourts.gov>

Mon, Aug 14, 2023 at 10:34 AM

To: phillydee100 <phillydee100@gmail.com>, IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>

Cc: "jgolwen@bassberry.com" <jgolwen@bassberry.com>, "jordan.thomas@bassberry.com" <jordan.thomas@bassberry.com>, "pmills@bassberry.com" <pmills@bassberry.com>, Morgan Gloss <Morgan_Gloss@tnwd.uscourts.gov>

Good morning,

Both parties must consent to trial by magistrate. Once the document that is attached is signed by both parties and returned to the Court, it can then be transferred to the magistrate judge.

Thanks,

Melanie Mullen

From: phillydee100 <phillydee100@gmail.com>**Sent:** Monday, August 14, 2023 7:14 AM**To:** IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>; Melanie Mullen <Melanie_Mullen@tnwd.uscourts.gov>**Subject:** Re: Consent 2:23-cv-02186-SHL-cgc**CAUTION - EXTERNAL:**

Good morning,

I trust you had a pleasant weekend. Could you kindly verify the receipt of the consent for case 23-cv-02186-SHL-cgc to be presented before the magistrate? It was sent via email on August 9, 2023. Your confirmation is much appreciated. Wishing you a wonderful Monday and a productive week ahead.

Regards,

Dennis Philipson.

On Wed, Aug 9, 2023, 7:14 PM phillydee100 <phillydee100@gmail.com> wrote:

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

From: **phillydee100** <phillydee100@gmail.com>

Date: Wed, Aug 9, 2023 at 6:34 PM

Subject: Consent 2:23-cv-02186-SHL-cgc

To: <melanie_mullen@tnwd.uscourts.gov>

Cc: phillydee100 <phillydee100@gmail.com>

Hello Melanie,

I trust you are having a good evening.

Kindly move forward with the submission of case 2:23-cv-02186-SHL-cgc to the magistrate. As I have previously indicated, I am of the opinion that this course of action is a direct result of the whistleblower complaints I made in 2021 and 2022 against MAA and Bass, Berry, Sims, PLC.

There are no supplementary details that I can offer beyond what has already been communicated. Should you require additional information, please feel free to get in touch.

Warm regards,

Dennis Philipson

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

From: <cmecfhelpdesk@tnwd.uscourts.gov>

Date: Tue, Aug 1, 2023 at 3:55 PM

Subject: Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Setting Letter for Teams Hearing"

To: <courtmail@tnwd.uscourts.gov>

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U.S. District Court

Western District of Tennessee

Notice of Electronic Filing

The following transaction was entered on 08/01/2023 at 2:52:02 PM CDT and filed on 08/01/2023

Case Name: Mid-America Apartment Communities, Inc. v. DOE-1 et al

Case Number: [2:23-cv-02186-SHL-cgc](#)

Filer:

Document Number: 23

Docket Text:

SETTING LETTER: A SCHEDULING CONFERENCE pursuant to Rule 16(b) of the Federal Rules of Civil Procedure has been SET for MONDAY, SEPTEMBER 11, 2023 at 9:30 A.M. before Chief Judge Sheryl H. Lipman.

The conference will be held via Microsoft Teams Video. A link to the video conference will be emailed to the attorneys prior to the setting.

If the parties consent to have the case heard by the magistrate, please file your consent and this conference will be cancelled.

Counsel should be prepared to discuss all pending motions.

PLEASE REVIEW THE ATTACHED INSTRUCTIONS.

The public may also access the video proceeding. If the public and/or media wish to attend in the video proceeding, please click on the following link to request access information: <https://www.tnwd.uscourts.gov/videohearings>. The access information will be delivered via email to the email address from which the request originated.

Parties should consult the instructions for [Joining a Meeting in Teams](#) or [Joining a Meeting Without a Teams Account](#).(mmm)

2:23-cv-02186-SHL-cgc Notice has been electronically mailed to:

Dennis Philipson phillydee100@gmail.com

2:23-cv-02186-SHL-cgc Notice will not be electronically mailed to:

John S. Golwen
BASS BERRY & SIMS PLC- Memphis
The Tower at Peabody Place
100 Peabody Place
Ste. 1300
Memphis, TN 38103

Jordan Elizabeth Thomas
BASS, BERRY & SIMS PLC
100 Peabody Pl.
Ste 1300
Memphis, TN 38103

Paige Waldrop Mills
BASS BERRY & SIMS
150 3rd Ave S
Nashville, TN 37201

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

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1059513201 [Date=8/1/2023] [FileNumber=4661498-0]
[83f27989026ab5d9a101236be2990ce5ec72e1e46d3246ad884a73e649e661a61b84
261b263d93b7c7e513eb9742e761e50f45543264e06460cd88a7b8b532ad]]

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~AO-85 Form.pdf

250K



phillydee100 <phillydee100@gmail.com>

Re: Consent 2:23-cv-02186-SHL-cgc

phillydee100 <phillydee100@gmail.com>

Mon, Aug 14, 2023 at 9:14 AM

To: Judy Easley <judy_easley@tnwd.uscourts.gov>

Great - thanks!

On Mon, Aug 14, 2023 at 9:14 AM Judy Easley <judy_easley@tnwd.uscourts.gov> wrote:

The form is found on our website under Forms & Application – they are listed alphabetically – “Consent to Exercise Magistrate Judge Jurisdiction (AO 85 form).

From: phillydee100 <phillydee100@gmail.com>
Sent: Monday, August 14, 2023 8:12 AM
To: Judy Easley <judy_easley@tnwd.uscourts.gov>
Subject: Re: Consent 2:23-cv-02186-SHL-cgc

CAUTION - EXTERNAL:

Good morning Judy,

Am I missing the form I should use? Thank you.

Dennis

On Mon, Aug 14, 2023, 8:59 AM Judy Easley <judy_easley@tnwd.uscourts.gov> wrote:

I do not show on our list that you have ever submitted a consent to proceed before the magistrate. You can't just “say” that you consent, you must submit the form to:

Intaketnwd@tnwd.uscourts.gov

All parties must consent before it is presented to the district judge for their approval and signature.

From: phillydee100 <phillydee100@gmail.com>

Sent: Monday, August 14, 2023 7:14 AM

To: IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>; Melanie Mullen <Melanie_Mullen@tnwd.uscourts.gov>

Subject: Re: Consent 2:23-cv-02186-SHL-cgc

CAUTION - EXTERNAL:

CAUTION - EXTERNAL:

Good morning,

I trust you had a pleasant weekend. Could you kindly verify the receipt of the consent for case 23-cv-02186-SHL-cgc to be presented before the magistrate? It was sent via email on August 9, 2023. Your confirmation is much appreciated. Wishing you a wonderful Monday and a productive week ahead.

Regards,

Dennis Philipson.

On Wed, Aug 9, 2023, 7:14 PM phillydee100 <phillydee100@gmail.com> wrote:

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

From: phillydee100 <phillydee100@gmail.com>

Date: Wed, Aug 9, 2023 at 6:34 PM

Subject: Consent 2:23-cv-02186-SHL-cgc

To: <melanie_mullen@tnwd.uscourts.gov>

Cc: phillydee100 <phillydee100@gmail.com>

Hello Melanie,

I trust you are having a good evening.

Kindly move forward with the submission of case 2:23-cv-02186-SHL-cgc to the magistrate. As I have previously indicated, I am of the opinion that this course of action is a direct result of the whistleblower complaints I made in 2021 and 2022 against MAA and Bass, Berry, Sims, PLC.

There are no supplementary details that I can offer beyond what has already been communicated. Should you require additional information, please feel free to get in touch.

Warm regards,

Dennis Philipson

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

From: <cmecfhelpdesk@tnwd.uscourts.gov>

Date: Tue, Aug 1, 2023 at 3:55 PM

Subject: Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Setting Letter for Teams Hearing"

To: <courtmail@tnwd.uscourts.gov>

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U.S. District Court

Western District of Tennessee

Notice of Electronic Filing

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Case Name: Mid-America Apartment Communities, Inc. v. DOE-1 et al

Case Number: 2:23-cv-02186-SHL-cgc

Filer:

Document Number: 23

Docket Text:

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Counsel should be prepared to discuss all pending motions.

PLEASE REVIEW THE ATTACHED INSTRUCTIONS.

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Parties should consult the instructions for Joining a Meeting in Teams or Joining a Meeting Without a Teams Account.(mmm)

2:23-cv-02186-SHL-cgc Notice has been electronically mailed to:

Dennis Philipson phillydee100@gmail.com

2:23-cv-02186-SHL-cgc Notice will not be electronically mailed to:

John S. Golwen
BASS BERRY & SIMS PLC- Memphis
The Tower at Peabody Place
100 Peabody Place
Ste. 1300
Memphis, TN 38103

Jordan Elizabeth Thomas
BASS, BERRY & SIMS PLC
100 Peabody Pl.
Ste 1300
Memphis, TN 38103

Paige Waldrop Mills
BASS BERRY & SIMS
150 3rd Ave S
Nashville, TN 37201

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

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1059513201 [Date=8/1/2023] [FileNumber=4661498-0]
[83f27989026ab5d9a101236be2990ce5ec72e1e46d3246ad884a73e649e661a61b84
261b263d93b7c7e513eb9742e761e50f45543264e06460cd88a7b8b532ad]]

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CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

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Exhibit D

RECEIVED

01/28/2025

KELLY L. STEPHENS, Clerk



Dee Philips <mikeydphilips@gmail.com>

Docket 24-6082 Correspondence

Dee Philips <mikeydphilips@gmail.com>

Mon, Jan 27, 2025 at 5:44 PM

To: ca06-conf@ca6.uscourts.gov, CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>

Dear Pro Se Email Box,

I am writing to request that the enclosed email and document be added to the docket for Case #24-6082 as correspondence. This submission pertains to ongoing concerns regarding unwanted communications from opposing counsel, despite multiple formal requests that such contact cease.

The attached materials serve to document these interactions for the record and ensure compliance with the principles of transparency and completeness in judicial proceedings. As outlined in Rule 5 of the Federal Rules of Civil Procedure (FRCP), filing relevant documents ensures that the record is maintained accurately and transparently, allowing all parties and the court access to the full scope of material communications.

Additionally, these communications raise potential concerns under the Rules of Professional Conduct, which prohibit harassment and require opposing counsel to conduct themselves in a manner consistent with professional and ethical obligations. Documenting these interactions is critical not only for transparency but also for safeguarding against potential misconduct that could affect the integrity of the proceedings.

Pursuant to FRCP Rule 11, I also seek to ensure that all representations made to the court, including those involving communications from opposing counsel, are subject to scrutiny as part of the judicial record. This is particularly relevant to my appeal, where the appellate court will review the record to assess the case.

I respectfully request that this correspondence, along with the attached materials, be added to the docket. These records will serve as an essential part of the case history for the purposes of any further proceedings or appeals.

If you have any questions or require additional information, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,
Dennis Philipson

Enclosures:

- Email and Document for Docket Submission



01-27-2025 - Sixth Circuit - Correspondance From Attornies as Explicit Instructions Not to Email Me.pdf
726K

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilipson@gmail.com

January 27, 2025

Clerk of the Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202

Re: Request to Attach Correspondence to the Docket
Case Name: Mid-America Apartment Communities, Inc. v. Dennis Philipson
Case Number: 24-6082

Dear Clerk of the Court,

I am writing to request that the enclosed email and document be added to the docket for the above-referenced appeal as correspondence. This submission pertains to ongoing concerns regarding unwanted communications from the opposing counsel, despite multiple requests to cease contact.

The attached materials serve to document these interactions for the record and provide context for my concerns. I respectfully ask that this correspondence be docketed accordingly.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,
Dennis Philipson

Enclosures:

- Email and Document for Docket Submission



Dee Philips <mikeydphilips@gmail.com>

Re: Philipson - MAA Post Judgment Discovery Requests - Set One

Dee Philips <mikeydphilips@gmail.com>

Mon, Jan 27, 2025 at 5:16 PM

To: "Williams, Kris R." <Kris.Williams@bassberry.com>

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

Kris,

This is the fourth time I've made this clear: upload the filing to the Sixth Circuit Court of Appeals docket. Do not email me.

Do not contact me via email again regarding this matter.

Dennis M. Philipson

On Mon, Jan 27, 2025, 5:13 PM Williams, Kris R. <Kris.Williams@bassberry.com> wrote:

Good Afternoon Mr. Philipson,

Attached please find Mid-America Apartment Communities, Inc.'s First Set of Post-Judgment Interrogatories and Request for Production of Documents Propounded to Defendant Dennis Michael Philipson, as they relate to the above matter. Thank You.

BASS BERRY + SIMS**Kris Williams**

Paralegal

Bass, Berry & Sims PLCThe Tower at [Peabody Place](#) - 100 Peabody Place, Suite 1300[Memphis, TN 38103-3672](#)

901-543-1630 phone

Kris.Williams@bassberry.com • www.bassberry.com

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilipson@gmail.com

January 27, 2025

Clerk of the Court
U.S. District Court for the Western District of Tennessee
167 N. Main Street
Room 242
Memphis, TN 38103

Re: Request to Attach Correspondence to the Docket
Case Name: Mid-America Apartment Communities, Inc. v. John Doe 1 and John Doe 2
Case Number: 2:23-cv-02186-SHL-cgc

Dear Clerk of the Court,

I am writing to request that the enclosed email and document be added to the docket for the above-referenced case as correspondence. This submission pertains to ongoing concerns regarding unwanted communications from the opposing counsel, despite multiple requests to cease contact.

The attached materials serve to document these interactions for the record and provide context for my concerns. I respectfully ask that this correspondence be docketed accordingly.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,
Dennis Philipson

Enclosures:

- Email and Document for Docket Submission



Dee Philips <mikeydphilips@gmail.com>

Re: Philipson - MAA Post Judgment Discovery Requests - Set One

Dee Philips <mikeydphilips@gmail.com>

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BASS BERRY + SIMS**Kris Williams**

Paralegal

Bass, Berry & Sims PLCThe Tower at [Peabody Place - 100 Peabody Place, Suite 1300](#)[Memphis, TN 38103-3672](#)

901-543-1630 phone

Kris.Williams@bassberry.com • www.bassberry.com

BASS BERRY SIMS PLC

John S. Golwen
jgolwen@bassberry.com
+1 (901) 543-5903

January 27, 2025

Via Email and U.S. Mail

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310
mikeydphilips@gmail.com

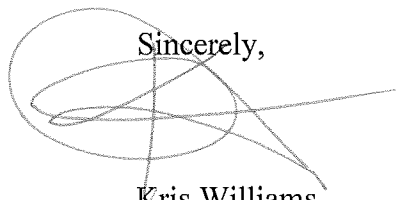
Re: *Mid-America Apartment Communities, Inc. v. John Doe 1 and John Doe 2*
TN Western District Court / Case No. 2:23-cv-02186-SHL-cgc

Dear Mr. Philipson:

Enclosed is a copy of Plaintiff's First Set of Post-Judgment Interrogatories and Requests for Production of Documents Propounded to Defendant Dennis Michael Philipson in the above matter

If you have any additional questions or concerns, please feel free to contact our office.

Sincerely,



Kris Williams
Paralegal

/krw
Enclosure

cc: Paige W. Mills, Esq. (via email only)
John S. Golwen, Esq. (via email only)
Jordan E. Thomas, Esq. (via email only)

1. Please note that all answers are to be made separately and fully and that an incomplete or evasive answer is a failure to answer. When an interrogatory calls for an answer

in more than one part, please separate the parts in your answer accordingly so that each part is clearly set out and understandable.

2. Where knowledge or information in your possession is requested, such request includes knowledge or information in possession of your representatives, agents, insurers, and, unless privileged, attorneys.

3. If you have only incomplete knowledge of the answer to an interrogatory, please answer to the extent of your knowledge and state specifically the portion or area of the interrogatory of which you have only incomplete knowledge, and identify the person or persons who do(es) have or might have additional knowledge or information to complete the answer.

4. If you answer any interrogatory in whole or in part by attaching a document containing information sufficient to do so, the relevant portions of such document must be marked or indexed.

5. "Document" means all paper and electronically stored information (including but not limited to all electronic databases and the data therein, all electronic messages and communications, all electronic word processing documents and spreadsheets, all electronically stored voice mail, and all data and information stored in any relevant PDA, smartphone, or mobile phone), originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, transmitted, photographic, or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial statements, checks (cancelled or otherwise), check stubs, receipts, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, communications, minutes, transcriptions,

correspondence, agreements, graphs, tabulations, analyses, evaluations, projections, opinions or reports of consultants, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, and all other material fixed in a tangible medium of whatever kind known to you and within your possession, custody, or control. Document also includes different versions of the same document, including but not limited to drafts or documents with handwritten notes or marks not found on the original or copies, which are different documents for you to identify in your response.

6. Where the identity of a person is requested, please state his or her full name, any known nicknames or alias, present or last known home address and telephone number, present or last known position and business affiliation or employment and the address and telephone number there, and his or her employment and position at the time in question. For persons whose addresses are known to be inaccurate at this time, please state the most reliable address and telephone number in your possession.

7. A request for documents shall include all documents that contain, evidence, reflect or relate to any information requested.

8. "Defendant" means "Dennis Michael Philipson". "You" or "Your" means "Dennis Michael Philipson".

9. Where the identity of an entity not a natural person is requested, please state the name of the entity, the person(s) employed by or otherwise affiliated with that entity who has knowledge of the matters covered in answer to the specific interrogatory, that person's job title, the address of the entity, and the telephone numbers of the person(s) identified as being employed or otherwise affiliated with the entity.

10. "Communication" shall mean any exchange, transmission or receipt (whether as listener, addressee, person called or otherwise) of information, whether such exchange, transmission or receipt be oral, written or otherwise, and includes, without limitation, any meeting, conversation, telephone call, letter, telegram, email, facsimile, exchange, transmission or receipt of any document of any kind whatsoever.

11. "Relate" means containing, alluding to, responding to, connected with, regarding, discussing, involving, showing, describing, analyzing, reflecting, identifying, incorporating, referring to, or in any way pertaining to.

12. As used herein, the conjunctions "and" and "or" shall be interpreted conjunctively or disjunctively, as appropriate, so as not to exclude any documents or information otherwise within the scope of these requests.

14. Where the identity of a document is requested, please state the nature or title of the document, the date of the document, all persons believed to have knowledge of the contents of the document, in whose possession the document presently is, and, regarding a document which was, but is no longer in your possession, custody or control, and the contents of the document. If the document identified was, but is no longer in the possession of Defendant or subject to Defendant's control, or it is no longer in existence, state whether it is (a) missing or lost, (b) destroyed, (c) transmitted or transferred voluntarily or involuntarily to others, identifying such others, or (d) otherwise disposed of, and in each instance, explain the circumstances surrounding and authorization for such disposition and state the date or approximate date thereof. If any of the above information is not available to Defendant, state any available means of identifying such document.

15. Where a statement or description is requested, please include a specific account of what is being stated or described including, where applicable, without limitation, the date or time period involved; the identity of persons from whom the information was learned, who would have knowledge of what information, and/or who participated or was present; what happened in chronological order relating to each identifiable event, response, act or other thing; the address and, if known, ownership and use, where the occurrence took place; the context or circumstances in which the occurrence took place; and what response or reaction existed that caused the occurrence to take place.

16. For each interrogatory, please identify the persons from whom the information contained in the answer is obtained and the persons who swear to the truth of that information.

17. Please note that, pursuant to Rule 26(e), you are under a continuing duty to supplement your responses.

18. If you withhold any responsive information on the grounds that it is privileged or otherwise excludable from discovery, identify the information, describe its subject matter and specify the basis for the claimed privilege or other grounds of exclusion.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail all of your sources of income or compensation, whether or not reported on any tax return, and, as to all income and assets or services received, set forth the income, assets or services received, the nature and amount of any deductions or set-offs, and the net amount received.

ANSWER:

INTERROGATORY NO. 2: Please identify all of your checking, savings, money market or other accounts, certificates of deposit, or mutual funds with any financial or banking institution, including savings and loan associations, stock brokerage firms, or credit unions, by providing the following information for each:

- a) name and address of financial institution;
- b) type of account;
- c) name of account;
- d) account number;
- e) current balance;
- f) average balance from statements for each of the last twelve months; and
- g) name, address, and relationship of any other person or entity having an interest in each account, and the nature or extent of their interest.

ANSWER:

INTERROGATORY NO. 3: For each parcel of real property in which you have had an ownership or leasehold interest during the past five years, please provide the following information:

- a) the address and legal description of the property;
- b) the size of the property;
- c) a description of each structure and other improvement on the property;
- d) the name and address of any other person or corporation having an ownership interest in each parcel and the type of ownership interest held;
- e) the ownership of the property as stated in the documents of title, and the location of each document;
- f) the present value of your equity interest in the property;
- g) whether you lease or rent the property and how much income you derive per year from renting or leasing the property; and
- h) whether you claim that the property is exempt by law from forced sale.

ANSWER:

INTERROGATORY NO. 4: State the cost, location and estimated present market value of all motorized vehicles, watercraft, jewelry, and artwork that you own. Please set forth, with respect to each item of personal property described, whether the article of personal property is the subject of any lien or security interest and the balance of the loan secured by any such lien or security interest.

ANSWER:

INTERROGATORY NO. 5: Please identify any Trust Account, of which you are a beneficiary, by providing the following information:

- a) the name of the trust;
- b) the name of the trustee;
- c) the type of trust;
- d) current balance;
- e) name, address, and relationship of any other person or entity having an interest in each trust, and the nature or extent of their interest.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Produce all documents referenced in the preceding answers to interrogatories.

RESPONSE:

REQUEST NO. 2: Produce copies of certificates of title evidencing your ownership in any property.

RESPONSE:

REQUEST NO. 3: Produce all of your federal and state tax returns for each year from 2013 through 2023.

RESPONSE:

REQUEST NO. 4: Produce all of the your financial and bank statements and cancelled checks for the past five years for any accounts, certificates, and funds identified in response to Interrogatory No. 2.

RESPONSE:

Respectfully Submitted,

/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

Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

*Counsel for Mid-America
Apartment Communities, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2025 the forgoing was served on the individual below by electronic mail and regular mail:

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

/s/ John Golwen

John Golwen

02/03/2025

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

(February 3, 2025)

It was not until September 2021, when MAA's Senior Vice President of Internal Audit, Glenn Russell, contacted me, that I reopened my investigation into the company. Glenn Russell falsely stated that a report would be provided to me once the "format was correct" for submission to the board; however, this

never occurred. Furthermore, MAA provides no direct means of communication with the board, as all correspondence is routed through the corporate office, further obstructing transparency and accountability.

Prior to this, I had given up on contacting MAA. However, their direct outreach and misrepresentations led me to reassess the extent of potential misconduct and pursue further whistleblower actions. Despite this, it remains my legal right to continue documenting my concerns through the SEC-mandated whistleblower hotline, as permitted under Sarbanes-Oxley and Dodd-Frank protections. MAA's choice not to contact the SEC and DOJ directly to address these concerns is entirely their own decision, and I am under no obligation to cease my filings.

In April 2023, MAA and its legal representatives initiated a lawsuit against me, alleging trademark infringement, and have since persistently engaged in:

Harassing me through excessive and unwarranted legal mailings (See Exhibit A – Excessive Mailings).

- Deploying deceptive process service tactics designed to intimidate and retaliate against me (See Exhibit C – Agent Barber Server Photos).
- Failing to acknowledge my prior whistleblower complaints while continuing retaliatory actions (See Exhibit B – 2021 Whistleblower Complaints).

These actions are in clear violation of whistleblower protections, federal law, and professional ethical obligations governing attorneys practicing before this Court.

**NOTICE OF CEASE AND DESIST TO OPPOSING COUNSEL AND RECORD
OF HARASSMENT**

To: Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
150 3rd Avenue South, Suite 2800
Nashville, Tennessee 37201

Cc: Mid-America Apartment Communities, Inc.

6815 Poplar Avenue
Germantown, TN 38138
From: Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com

February 3rd, 2025

This formal notice is to advise Bass, Berry & Sims PLC and Mid-America Apartment Communities, Inc. that all further direct communication with me must cease immediately, including email, mail, or any other form of contact, outside of officially docketed court filings in the Sixth Circuit Court of Appeals (Case No. 24-6082). Any further unwarranted or extrajudicial communication will be regarded as harassment and addressed accordingly.

The continued unjustified legal mailings, deceptive service of process, and other coercive tactics used by your firm violate multiple federal and state laws, including protections for litigants, whistleblowers, and individuals facing retaliation. These actions also infringe upon legal ethics standards governing attorneys and their obligations under federal law.

The pattern of harassment and intimidation employed by opposing counsel, including repeated and excessive legal threats, misuse of process servers impersonating law enforcement, and direct contact with my residence, raises serious legal concerns under federal statutes, including:

- The Sarbanes-Oxley Act (18 U.S.C. § 1514A) and Dodd-Frank Act (15 U.S.C. § 78u-6), which prohibit retaliation against whistleblowers who report securities violations and financial misconduct.
- The Clayton Act and Sherman Act (15 U.S.C. §§ 1–7, 12–27), which prohibit antitrust retaliation against individuals who report anti-competitive behavior.
- 18 U.S.C. § 1503, which prohibits obstruction of justice and improper influence over legal proceedings, including the use of intimidation tactics disguised as legitimate legal actions.
- 18 U.S.C. § 876, which criminalizes harassment and intimidation via the United States Postal Service (USPS), including excessive and abusive mailings intended to coerce or distress the recipient.
- 26 U.S.C. § 7623, which provides protections for individuals who file IRS whistleblower complaints and prohibits retaliatory measures against those who report financial misconduct.

I have already reported the \$600,000+ judgment mailing to the United States Postal Inspection Service (USPIS) and have handed over the envelope and its contents to their investigators for review. The continued use of mailings as a means of legal intimidation will remain under USPS scrutiny.

Additionally, your attempts to obtain detailed financial information through "Post-Judgment Interrogatories" (Docket #23, Exhibit D) are highly concerning, especially given that this matter is actively under appeal. This document was also mailed to me on June 27th, and I received a copy of it today. The use of these interrogatories, in light of the misconduct and intimidation tactics that have persisted throughout this case, appears to be yet another effort to exert undue pressure and further the pattern of harassment and retaliation I have already documented.

Given the history of this litigation and the ongoing appeal, this action raises serious concerns regarding its intent and propriety and only serves to reinforce the broader pattern of abusive legal tactics and coercion.

I have also submitted this matter to the U.S. Department of Justice (DOJ) for review and have provided a copy to the U.S. Postal Inspection Service (USPIS) for further investigation, given the continued misuse of legal and mailing processes as tools of harassment and intimidation.

The escalating nature of these tactics has already required me to seek oversight and intervention from multiple regulatory and government agencies, and I will continue to contact any appropriate government authority necessary to report my concerns regarding this entire case. If warranted, I will:

- Continue to report these actions to the appropriate government agencies, including the Department of Justice (DOJ), the Securities and Exchange Commission (SEC), the Internal Revenue Service (IRS), and the U.S. Postal Inspection Service (USPIS), all of which have jurisdiction over the violations outlined above.
- File complaints with the Tennessee Bar Association regarding legal ethics violations and improper litigation conduct by opposing counsel.
- File police reports to document ongoing harassment, intimidation, or unlawful surveillance.
- Seek a restraining order against any individuals or entities engaging in persistent or escalating misconduct that threatens my privacy or security.

Furthermore, I must remind you that I previously requested regulated communication through the Court under Docket #5, seeking to establish clear boundaries regarding interactions in this matter. Despite this, you have continued to engage in extrajudicial communication and harassing tactics, further demonstrating the need for formal court oversight of all correspondence.

Dated this 3rd day of February 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January 2025, a true and correct copy of the foregoing NOTICE OF CEASE AND DESIST TO OPPOSING COUNSEL AND RECORD OF HARASSMENT was served via PACER, depending on the court timely upload and via USPS mail on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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, sweeping horizontal stroke extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

RECEIVED

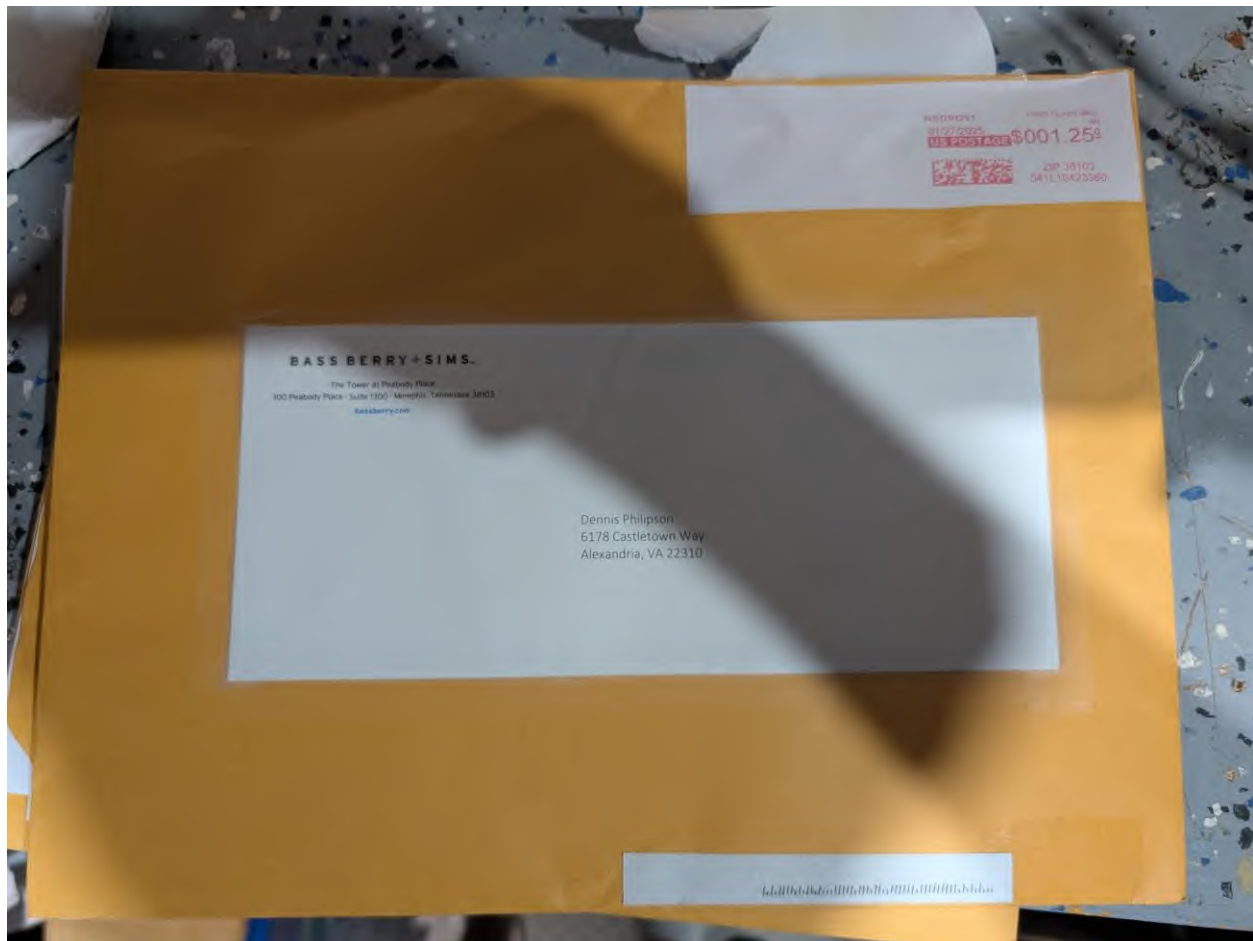
02/03/2025

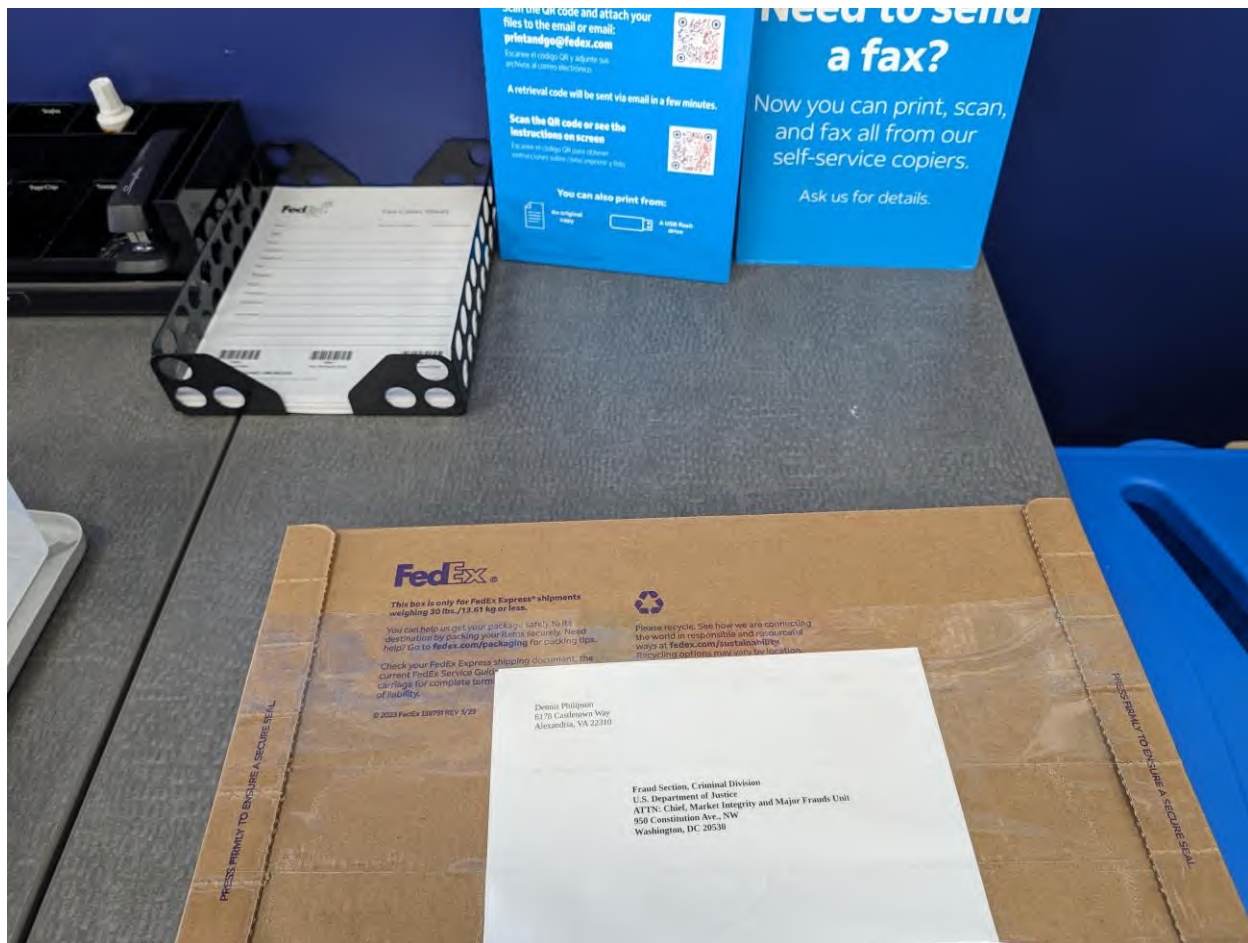
KELLY L. STEPHENS, Clerk

Exhibit A



















US POSTAGE

FIRST-CLASS MAIL
IM1
\$000.63
11/20/2023 ZIP 38103
043M31229274MEMPHIS TN 380
20 NOV 2023PM 2**BASS BERRY + SIMS**150 Third Avenue South, Suite 2800
Nashville, TN 37201
(615) 742-6200

January 8, 2024

Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

RE: Motion for Status Conference and failure to provide discovery responses

Dear Mr. Philipson,

I am in receipt of a copy of an email you wrote in which you have alleged that unethical conduct has taken place because one of Judge Lipman's clerks worked for Bass, Berry & Sims several years ago. I have attached that for your reference. We strongly disagree that anything untoward has taken place and would like for Judge Lipman to hold a status conference to address this issue. I plan to file a motion for a status conference on Friday, January 12, 2024. I will assume that you do not oppose the motion for a status conference unless you let me know via email or phone (number above) prior to January 12, 2024. I would also again request that you copy me on all communications regarding this case. You did not copy me on the attached and I request that you do so going forward.

A secondary purpose of this letter is to again request that you provide documents in response to our second set of document requests. Your responses to these requests were due November 20, 2023, and you still have not provided any objections or responses. Further, given that the attached communication about Judge Lipman's law clerk mentions a "dossier," "complaints to the Tennessee Ethics Board and the Judicial Board" and "two formal complaints to the Circuit Executive's office," and a "USB drive containing a substantial amount of evidence and information," it is clear that you are withholding responsive documents. Please provide copies of these documents immediately or I will be supplementing our previous filings on the motion to compel.

Best Regards,

Paige Mills
Paige Millsor the
use before























RECEIVED

02/03/2025

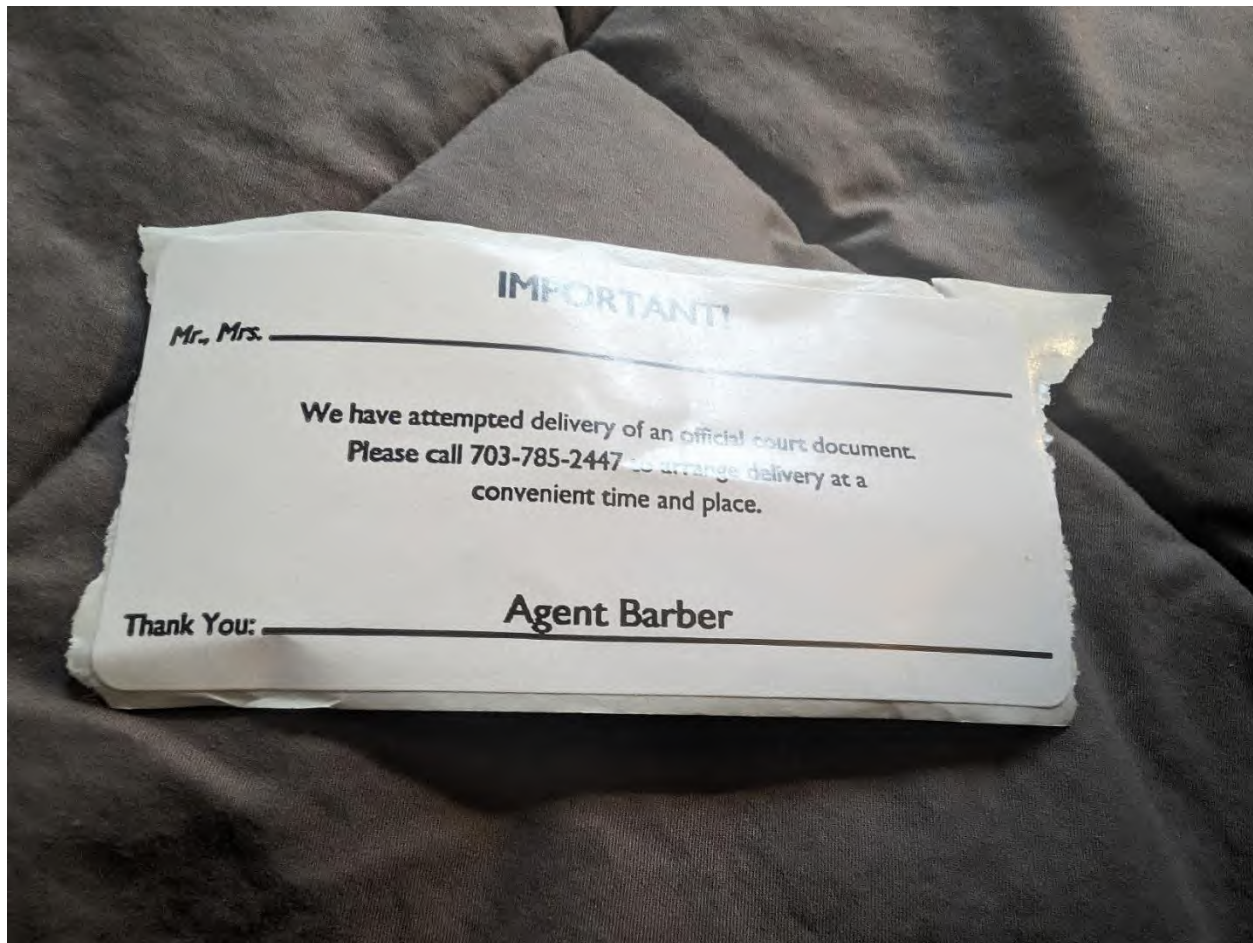
KELLY L. STEPHENS, Clerk

Exhibit C



 01-03-24 - Agent Barber Car 2.mp4	11/24/2024	1/3/2024
 01-03-24 - Agent Barber Car.mp4	11/24/2024	1/3/2024
 01-03-24 - Agent Barber Flashing Lights.mp4	11/24/2024	1/3/2024
 01-03-24 - Agent Barber in Backyard.mp4	11/24/2024	1/3/2024
 01-03-24 - Agent Barber.mp4	11/24/2024	1/3/2024
 12-14-23 - Agent Barber Car.mp4	11/24/2024	12/14/2023
 12-14-23 - Agent Barber Door.mp4	11/24/2024	12/14/2023
 01-07-24 - Barber Card.pdf	11/24/2024	1/7/2024
 01-07-24 - Barber Pic.pdf	11/24/2024	1/7/2024
 01-07-24 - Barber Subpueona.pdf	11/24/2024	1/7/2024

Videos available on request.



AO 88A (Rev. 12-13) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Mid-America Apartment Communities, Inc.

Plaintiff

v.

Dennis Philipson

Defendant

Civil Action No. 2:23-cv-02186-SHL-cgc

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Kerrie Philipson, 6178 Castletown Way, Alexandria, VA 22310
(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:

Bass, Berry & Sims, 1201 Pennsylvania Ave. NW #300,
Washington, D.C. 20004

Date and Time:

01/04/2024 9:30 am

The deposition will be recorded by this method: Stenography and Video

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

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: 12/05/2023

CLERK OF COURT

OR

/s/ Paige Waldrop Mills

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 ("MAA"), who issues or requests this subpoena, are:

Paige Mills, Bass, Berry & Sims, 150 3rd Ave S; Nashville, TN 37201; pmills@bassberry.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, 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).

ONE SOURCE PROCESS, LLC
1133 13TH ST NW STE C4
WASHINGTON, DC 20005-7039

3087
15-120-540 DC
323

PAY TO THE ORDER OF Kerrie Philipson DATE 12-6-23

Seventy five and 00/100 \$ 75.00

BANK OF AMERICA

ACH RPT 054001204

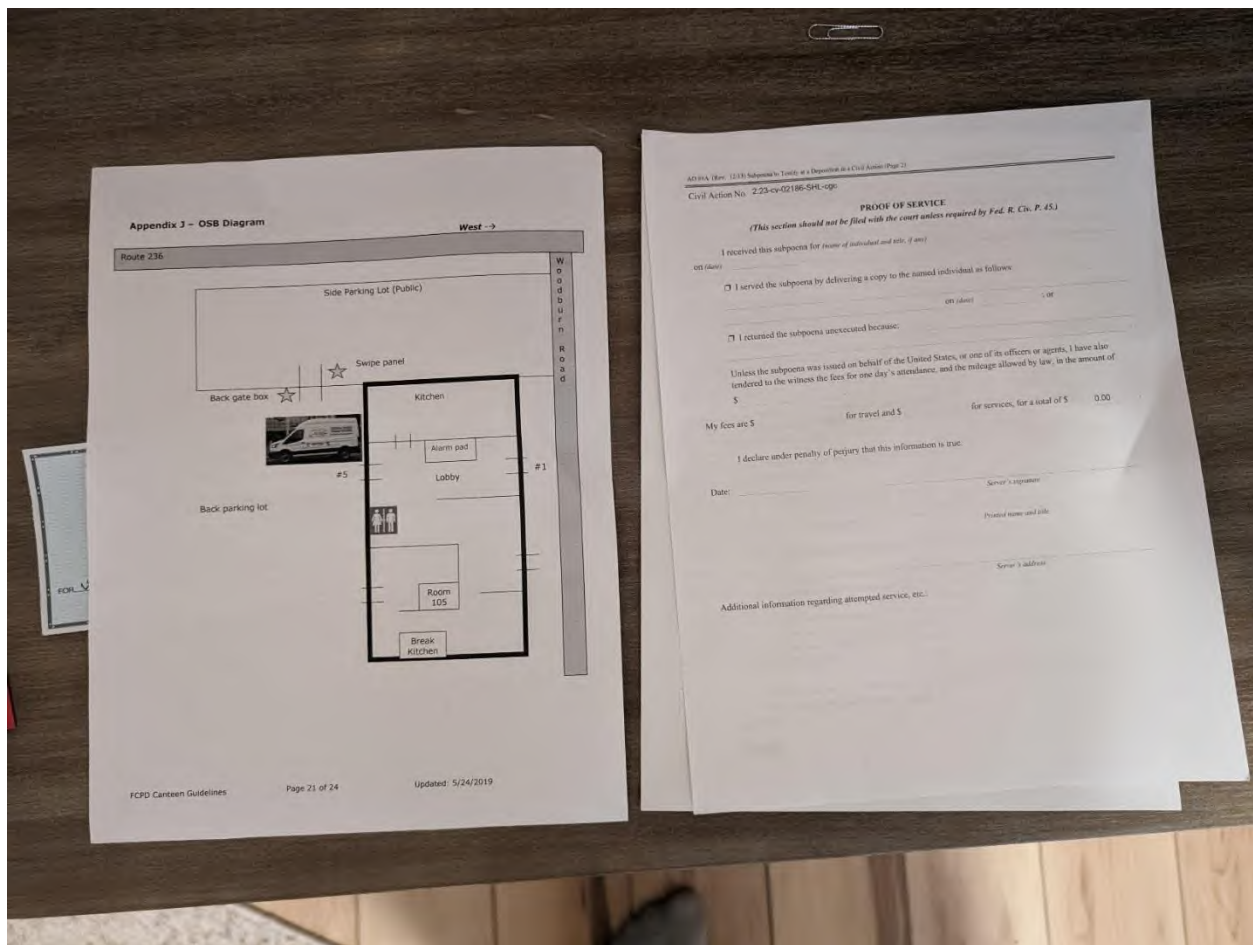
FOR Witness fee - case 2:23-cv-02186

[Signature]

1100308711 054001204 22600741374611

MP

Printed on Recycled Paper



RECEIVED

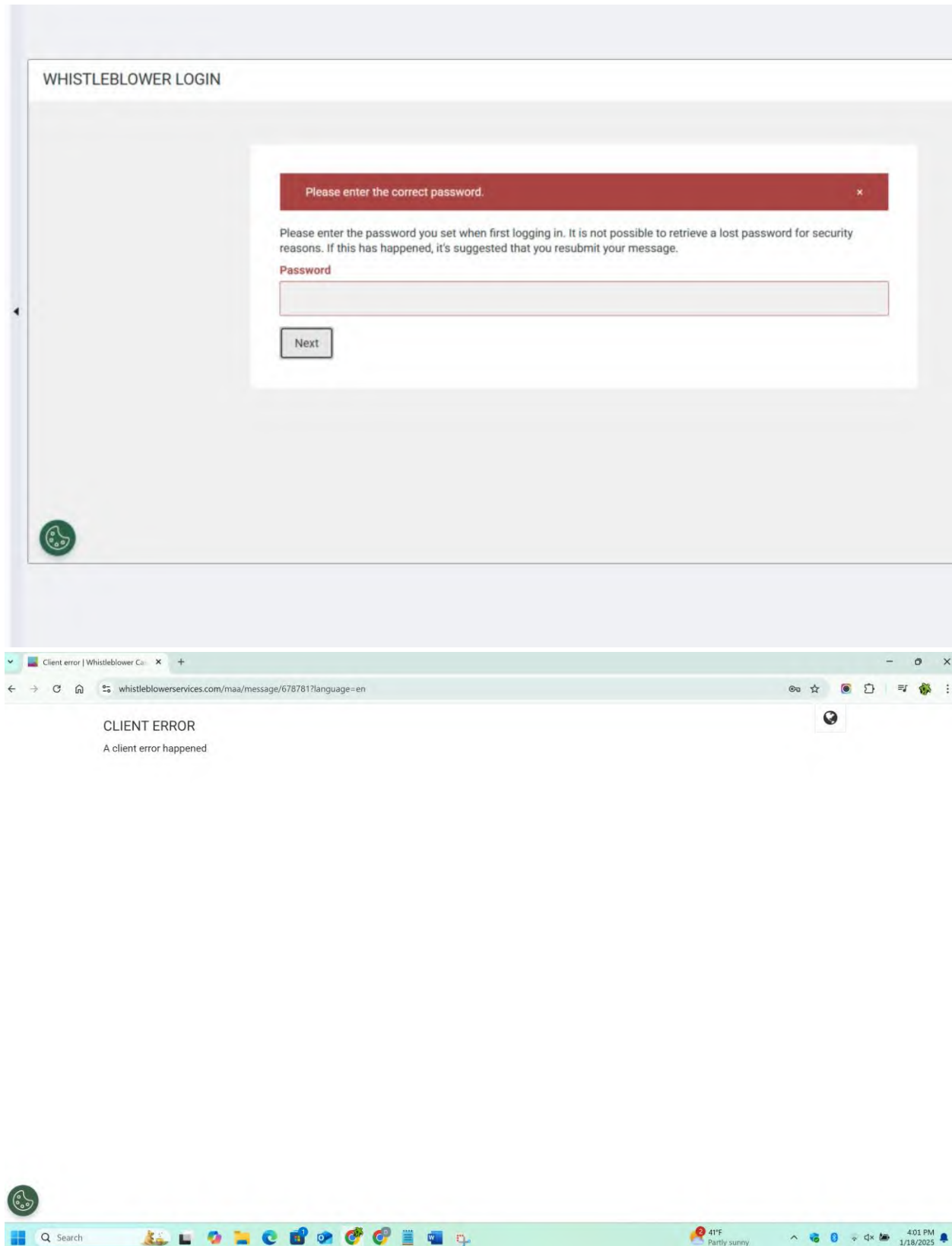
02/03/2025

KELLY L. STEPHENS, Clerk

Exhibit B

Table of Contents

02-03-2025 - Whistleblower Complaint Deleted From SEC MANDATED SYSTEM	2
04-06-2021 - Whistleblower Complaint - Accounting Practices & Racial Bias	3
09-17-2021 - Whistleblower Complaint - Harassment	14
09-20-2021 - Whistleblower - Inaccurate Coding	18



WHISTLEBLOWER



Message Summary

Subject

Accounting Practices/Racial Bias

Type

Secure Web Form

Documents

None

Created

Tue, 04/06/2021 - 07:08

Original Message

Good morning,

I am just mentioning what I heard, all this should be looked into for accuracy.

First, I do not know if this is against policy, but it just does not seem right to me. I planned on bringing this up on the SVP visit, but seemed like they were on a tight schedule. In March 2021, I received a call from Jay Blackman asking how much I paid in pool expenses for 2020. I then was asked to compare it to Post Corners in Centreville's 2020 expenses. We found that Post Corners in Centreville had underpaid her 2020 by \$15,000. Now my response would be to let accounting know immediately and pay the bill for 2020 for \$15,000. From what I heard and I am not positive if this is accurate, the pool company was told that they need to work with Jay or else they would lose the contract. Jay seemed to blame Winkler for his lack of attention to detail and being able to catch this in 2020. Jay also said some pretty nasty things about Winkler and I know for a fact they are good at collecting money. From what I heard the \$15,000 is being paid in 2021, for services rendered in 2020 and split into payments. I also heard that some of this \$15,000 is being hidden in capital money by inflating some of the work that has actually been done. It is my understanding that regular life guard service is not a capital expense. Now, I do not know if this is against policy or just creative accounting. Also, I know there was another \$40,000 of bills that added up from another contractor at the same property earlier in 2020 Hopefully that all got accounted for correctly.

Secondly, I am tired of hearing Jay's borderline racist comments. He compares every black candidate we have interviewed to either ex employee Addi or Ronald from Post Pentagon Row. Most recently interviewed two black candidates, and his comment to me was "Oh, she was not like Addi at all." I do not understand how comparing her to someone that left the company two

years ago is relevant. To me, I took that as, she is not "black or ghetto" like Addi. I am sorry, I look at everyone as an individual and to not bunch people into one group. I could go on about other situations, but it is not my place.

Thanks1

Comments

Displaying 1 - 12 of 12

Created

Mon, 07/08/2024 - 20:33

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

From: May

Date: Mon, Jul 8, 2024 at 8:30 PM

Subject: Philipson - 2:23-cv-02186 - Request for Update on Final Judgment and Scheduling Post-Judgment Meeting

To: , , ,

Cc: jgolwen@bassberry.com , , May ,

Dear Judge Lipman and Judge Claxton,

I am writing to request an update on the issuance of the final judgment in my case, which I had previously asked to be finalized by June 24th. I note with concern that this action has not yet been taken. In accordance with Tennessee Code Annotated § 16-3-804, which mandates the expeditious handling of judicial matters to avoid undue delay, I urge the court to act swiftly in resolving this case. The prompt administration of justice not only benefits the parties involved but also upholds the integrity of the judicial process.

Despite my clear request for the conclusion of this case, it appears that Ms. Mills continues to initiate additional work and further allegations. This ongoing activity is not only prolonging the proceedings unnecessarily but also increasing the associated costs significantly, which seems contrary to the efficient management of litigation as prescribed by Rule 1 of the Tennessee Rules of Civil Procedure, emphasizing the just, speedy, and inexpensive determination of every action.

Moreover, once the final judgment is issued, I would appreciate the opportunity to schedule an in-person meeting with both of you in Tennessee. The abrupt cancellation of the anticipated trial necessitates a discussion to address any outstanding matters and to ensure a comprehensive understanding of the judgment's implications. Given the abrupt cancellation of the anticipated trial, I would like to confirm the meeting details over the phone before making travel arrangements.

I trust that this matter will be attended to with the urgency it warrants, and I look forward to your prompt response.

Thank you for your attention to this pressing issue.

Sincerely,

Dennis Philipson

Created

Mon, 07/08/2024 - 19:57

Still waiting for the judgment please:

I write to you with profound disappointment regarding the conduct of your outside counsel and the broader ethical framework within MAA. It has become increasingly clear that your actions, particularly in handling whistleblower complaints, lack not only professional integrity but also legal compliance. These concerns are not merely observations but are rooted in significant breaches of legislative mandates and ethical norms.

Your decision to publicly disclose and misrepresent whistleblower complaints in the civil suit docket flagrantly violates the confidentiality protections under Section 806 of the Sarbanes-Oxley Act (SOX), codified at 18 U.S.C. § 1514A. This statute is designed to protect whistleblowers from retaliation, maintaining their anonymity to safeguard them from backlash. Moreover, these disclosures may also infringe upon Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. §§ 78u-6(h)), which further emphasizes whistleblower anonymity and provides monetary incentives for disclosures leading to successful enforcement actions. Ignoring these protections undermines the legislative intent and exposes your company to significant legal and reputational risks.

Equally troubling is the potentially defamatory nature of labeling these complaints as unfounded in public filings—a serious infringement of both Tennessee and Georgia state defamation laws. Under Tennessee Code Annotated § 29-20-205 and Georgia Code § 51-5-1, individuals are protected from false and damaging public statements that can harm their reputation. Such reckless behavior not only demonstrates a blatant disregard for these statutory protections but also exposes your company to defamation lawsuits within these jurisdictions, with potential demands for compensatory and punitive damages.

My statements regarding your company weremade in good faith. Despite my repeated requests for reports and clear answers to ensure that my concerns were addressed appropriately, I have been consistently ignored. Perhaps Mr. Glenn Russell is still working on the proper format for the report.

Instead, I find myself the target of a frivolous lawsuit, which clearly illustrates the problematic practices within your organization. It is noteworthy that the majority of the subsidiaries that remain are those established in the state of Georgia by Post Properties, perhaps because they were legally started or due to your legal entanglements in Atlanta. This downsizing of subsidiaries coincides suspiciously with the implementation of the Corporate Transparency Act, suggesting a strategic reduction in corporate structure just in time to meet new regulatory demands. This alignment raises serious questions about the transparency and legality of your corporate governance as you enact your succession plan and develop your executives.

The handling of sensitive information within these disclosures suggests a disregard for the Federal Rules of Civil Procedure, specifically Rules 26 and 31, which govern the discovery process to ensure that disclosure of sensitive information does not cause

undue harm. This misconduct, paired with violations of the American Bar Association's Model Rules of Professional Conduct—particularly Rules 1.6 on confidentiality and Rule 3.3 on candor toward the tribunal—highlights a disturbing pattern of ethical breaches.

Furthermore, the operation of your whistleblower hotline appears to be a facade. Despite providing concrete evidence of fraud involving a maintenance supervisor and a contractor within your "insurance program," no corrective action has been taken. This inaction, coupled with the rehiring of a witness from my EEOC complaint, illustrates a flagrant disregard for ethical standards and suggests systemic corruption within your operations.

I also regret to see that Mr. Golwen and Ms. Thomas have been entangled in your unethical practices, with Ms. Mills emerging as a particularly egregious offender. This situation demands not just acknowledgment but immediate corrective measures.

Your company's failure to address these issues appropriately not only undermines legal standards but also erodes the essential trust and integrity necessary for sustainable corporate governance and investor confidence. Corrective action is not optional but a legal and ethical imperative.

Created

Sun, 07/07/2024 - 16:46

To reiterate, the prior professional relationship between Mr. Michael Kapellas and Attorney John Golwen, now representing an opposing party, creates an undeniable and blatant conflict of interest that irrevocably taints this entire proceeding. This conflict not only violates the Tennessee Rules of Professional Conduct, but also calls into question the integrity of the Tennessee judiciary.

Tennessee Rules of Professional Conduct:

Rule 1.9(a) of the Tennessee Rules of Professional Conduct is unequivocal in its prohibition against a lawyer representing a client in a matter substantially related to a former representation where the interests of the current client are materially adverse to those of the former client. Mr. Golwen's representation of a party adverse to Mr. Kapellas clearly violates this fundamental ethical principle.

Further exacerbating this conflict, Rule 1.10(a) imputes Mr. Golwen's conflict to his entire firm, potentially disqualifying the entire firm from this litigation and raising serious concerns about the validity of any actions they have taken in this case.





Tennessee Supreme Court Rules and State Law:

Rule 10B of the Tennessee Supreme Court Rules, along with Title 29, Chapter 3, Part 3 of the Tennessee Code Annotated, provide additional and compelling reasons for Mr. Kapellas to recuse himself. The mere appearance of bias, let alone an actual conflict of interest, is sufficient grounds for recusal under Tennessee law.

The addition of Mr. Randolph Noel by MAA as a top legal representative to draft a declaration further complicates the ethical landscape by introducing a power dynamic that could be used to unduly influence or intimidate. This action could be critiqued under

Federal Rule of Civil Procedure, Rule 11, which sanctions attorneys for presenting to the court arguments that are not warranted by existing law or that are made for any improper purpose, such as to harass or to cause unnecessary delay.

Documents

	Miller v. Autozone, Inc., 2020 U.S. Dist. LEXIS 206813 (1).pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Miller%20v.%20Autozone%2C%20Inc.%2C%202020%20U.S.%20Dist.%20LEXIS%20206813%20%281%29_0.pdf?language=en)	379.75 KB
	7-6-24 - Email to Attorney Noel.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/7-6-24%20-%20Email%20to%20Attorney%20Noel_0.pdf?language=en)	1.46 MB
	Results list for_Golwen Kapellas.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Results%20list%20for_Golwen%20Kapellas_0.pdf?language=en)	497 KB
	12-10-23 - Michael Kapellas - LinkedIn - Judicial Law Clerk.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/12-10-23%20-%20Michael%20Kapellas%20-%20LinkedIn%20-%20Judicial%20Law%20Clerk.pdf?language=en)	2.63 MB

Created

Sun, 07/07/2024 - 16:08

The involvement of Judicial Law Clerk Michael Kapellas, formerly employed by Bass, Berry & Sims PLC, in proceedings where he has issued several orders against the concerned party, raises grave ethical concerns. This complex scenario mandates a rigorous examination under the applicable professional conduct rules, ethical standards, case law, and local court rules to preserve the integrity and impartiality of the judicial process.

Legal Framework and Ethical Standards

1. Rule 1.12 of the ABA Model Rules of Professional Conduct:
- Text of the Rule: Rule 1.12(a) mandates that a lawyer should not participate in any matter where they previously engaged personally and substantially while serving as a judge, adjudicative officer, or law clerk unless all parties involved give informed consent, confirmed in writing.
 - Application to Mr. Kapellas: Michael Kapellas' career path is crucial for assessing the application of Rule 1.12(a). His professional timeline includes:
 - o 2014-2015: Judicial Law Clerk in the Western Tennessee District.
 - o 2015-2020: Associate at Bass, Berry & Sims PLC.
 - o 2020-Present: Returned to a Judicial Law Clerk role in the Western Tennessee District.

These transitions highlight conflicts of interest:

- o Public to Private and Back to Public: Mr. Kapellas' shift from a public judicial role to private practice, and his return to the judiciary raises significant concerns under Rule 1.12(a), especially since he was part of a firm now representing an opposing party.
- o Direct Involvement in Litigation: His direct involvement with attorneys from Bass, Berry & Sims PLC, and his subsequent role in issuing orders against parties represented by his former employer critically undermines his perceived impartiality.

o Necessity for Informed Consent: The comprehensive nature of Mr. Kapellas' professional engagements across both public and private sectors accentuates the paramount need for informed consent from all parties involved in the litigation. This requirement is substantiated by Rule 1.12 of the ABA Model Rules of Professional Conduct, which mandates that former judges, arbitrators, mediators, or law clerks must obtain informed consent from all parties before participating in matters where they had a prior involvement.

☒ Furthermore, Title 28 of the United States Code, Section 455, which deals with the disqualification of judges, justices, and magistrates, underscores the importance of avoiding the appearance of bias. It requires judges to recuse themselves from any proceedings in which their impartiality might reasonably be questioned. This legal mandate extends to judicial clerks when their previous associations could influence their objectivity.

☒ In civil trial contexts, Rule 3.7 of the Federal Rules of Civil Procedure also indirectly supports the need for informed consent by addressing lawyer as witness issues, which parallels concerns about a judicial officer's previous professional associations influencing ongoing duties.

o 2. Tennessee Rules of Professional Responsibility:

- Rule 1.12(a): This rule echoes the ABA Model Rule, prohibiting lawyers from participating in matters where they had significant prior involvement as an adjudicative officer unless all parties consent in writing.
- Relevance: This rule's alignment with Tennessee law emphasizes the importance of avoiding potential conflicts of interest and ensuring that all parties are fully informed and consenting.

3. Code of Conduct for Judicial Employees:

- Canon 3F(1): Judicial employees must avoid conflicts of interest in their duties. A conflict arises if an employee might be personally or financially affected by a matter, leading a reasonable person to question their impartiality.
- Analysis: Mr. Kapellas' cessation of employment with Bass, Berry & Sims in August 2020 does not negate the ongoing ethical considerations, particularly given his active role in issuing multiple orders against a party he previously represented. The elapsed time since his employment does little to dispel the legitimate concerns over bias.
- Canon 3F(2)(a): Restrictions dictate that judicial law clerks should avoid duties in matters where they exhibit personal bias, prior involvement as a lawyer, or financial interests.
- Implications: Although Mr. Kapellas did not directly handle the specific matter while at Bass, Berry & Sims, his substantial prior relationship with the firm and its attorneys now representing a party in the current case poses severe ethical challenges. Even without direct involvement, the appearance of impropriety is a significant concern, necessitating stringent ethical scrutiny.

Case Law and Judicial Precedents

1. *Duke v. Pfizer, Inc.*, 668 F. Supp. 1031 (E.D. Mich. 1987), *aff'd*, 867 F.2d 611 (6th Cir. 1989):

- Precedent: Established that a one- or two-year period of separation is often sufficient to mitigate concerns over potential conflicts of interest stemming from a judicial employee's

previous professional associations.

- Implication: Despite the significant time elapsed since Mr. Kapellas' employment at Bass, Berry & Sims, his subsequent actions involving issuing orders in cases against a party previously associated with the firm raise profound ethical concerns that go beyond mere procedural involvements and call into question deeper issues of judicial integrity and impartiality.

2. *Xyngular Corp. v. Schenkel*, 160 F. Supp. 3d 1290 (D. Utah 2016):

- Insight: Emphasizes that relationships of law clerks can cast doubts on the impartiality of judicial decisions, particularly when those relationships pertain directly to the parties involved in litigation.
- Application: Mr. Kapellas' role, combined with his previous direct involvement with a law firm representing a party, underscores a clear risk to perceived judicial fairness.

3. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988):

- Precedent: In this decision, the Supreme Court underscored the importance of maintaining public confidence in the judiciary. It held that failure to recuse in circumstances of apparent conflicts could lead to decisions being overturned based on the appearance of partiality.
- Relevance: This ruling is directly applicable to Mr. Kapellas' situation. His prior employment and direct involvement in issuing orders against a former client of his past firm could significantly undermine public trust in the judiciary's impartiality and integrity.

4. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009):

- Precedent: The Supreme Court ruled that extreme facts could create a probability of bias sufficient to require judicial recusal.
- Application: Mr. Kapellas' continued involvement in cases where his previous employer is representing a party presents an "extreme fact" scenario similar to *Caperton*, suggesting a high probability of perceived bias that may necessitate his recusal to maintain the essential trust of the judiciary.

5. *In re Martinez-Catala*, 129 F.3d 213 (1st Cir. 1997):

- Precedent: This case highlighted that even peripheral involvement by a judicial officer in matters involving former associates or interests could necessitate recusal to preserve the appearance of justice.
- Application: Given Mr. Kapellas' past association with a law firm now involved in litigation, and his authorship of orders against a party represented by that firm, the principles set forth in *Martinez-Catala* strongly support the argument for his recusal to avoid any appearance of bias or impropriety.

The aforementioned cases, including *Duke*, *Xyngular*, *Liljeberg*, *Caperton*, and *Martinez-Catala*, provide compelling legal precedent emphasizing the necessity for recusal in situations akin to Mr. Kapellas'. The substantial prior relationship with Bass, Berry & Sims PLC, his direct involvement in related litigation, and the issuance of multiple judicial orders against a party linked to his former firm collectively demand a thorough reassessment of his role. This reassessment is crucial to safeguarding the judicial process's integrity, ensuring impartiality, and maintaining public confidence in the judiciary.

Documents

	Meta Data 1.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%201.png?language=en)	122.4 KB
	Meta 2.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%202.png?language=en)	279.67 KB
	Meta Data 2.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%202.png?language=en)	112.1 KB
	Meta Data 5.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%205.png?language=en)	90.5 KB
	Meta Data 4.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%204.png?language=en)	112.65 KB
	Meta Data 3.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%203.png?language=en)	91.37 KB

Created

Fri, 12/03/2021 - 11:51

Thank you for letting me know.

- 1) So when trees do not really fall down - it is ok to say that they did in order to consider them a causlty loss?
- 2) When you have a drywall leak, it is ok to consider this casualty loss even though 100 ft of drywall is not replaced according to your own definition of a causlty loss in the GL spreadsheet? Water remediation is causlty loss?
- 3) 40 million dollars of damage to an insurance company relating to a winter storm is reimbursed without any pictures or proper documentation? I thought you were self insured anyhow.
- 4) How are drains considered a causlty loss when no causlty loss has occurred .

Ok, then I guess I was wrong. Thank you for letting me know.

You can consider this closed.

From

Mid-America Apartment Communities, Inc. Representative

Created

Fri, 12/03/2021 - 09:53

Thank you for your submissions to MAA's anonymous and confidential whistleblower center. We received your original concerns from April 2021 as well as September 2021, the attachments provided with each original submission, as well as your additional comments and attachments submitted after the original submissions. We have conducted a review of your allegations and have concluded that no questionable accounting, internal accounting controls or auditing matters had occurred relating to our accounting for spending on casualty loss items. You have indicated that more information may be forthcoming. We will review and consider any additional information that you provide. If you do not provide any additional information before December 10, 2021, we will consider this matter and all of your other submissions closed.

Created

Fri, 12/03/2021 - 08:29

I am also aware of times when MAA asked vendors to put storm damage or flood damage on their invoices, Brightview, Rupert, Sitetec, etc.

Created

Fri, 12/03/2021 - 08:21

See below for the email I sent on 12/1 to Glenn. I also emailed Glenn, I am not sure what NEW submission was added, and I commented 11/24 and 11/30 to my original submissions. I am not sure why Glenn would be curious if I submitted; I have been pretty open and honest with my submissions.

All I can say is this; I asked for clarification while working at MAA on casualty loss on multiple occasions (I have those emails as well). I was never provided clarification. I do not believe most of these items qualified as an actual casualty loss. I know I spoke to multiple managers, and they made jokes about putting things to casualty loss. I know Dennis Duke visited the property, and we put drains to casualty loss. I know I was instructed multiple times to claim items as a casualty loss. He also stated that is how you run a property. I provided email documentations.

I am not sure what is going on or why so many items are coded to casualty loss. I am not sure why some accountants argued that it was or was not. I am not sure why flood cleanup would be a casualty loss. Post Properties or Bozzuto did not code items like that. I worked for WashREIT with Bozzuto, and they did not have these types of codes. I also gave enough information about will NOT be speaking further with MAA on this matter. I am happy to speak to anyone from the SEC. If you are not going to provide the report of your findings, I can not be sure I was right with my "allegations."

Thank you,

12/1/2021

Hello again,

I wanted to add. I know what I know, and everything I have mentioned is the truth. I know what I witnessed over the last several years. I know you have current employees that have or are still committing "accounting errors." I also started receiving texts from current employees, assuming you started questioning them.

Again, being that MAA dismissed my comments when I was asked to leave the company, I have a hard time trusting anyone at MAA. MAA has always done what is best for them, not their employees or residents.

No offense to you; I would assume you need to be very ethical in your position.

I want to review the report from April to make sure I am not being portrayed as crazy, as MAA is making me seem in their position statement to the EEOC.

Again, nothing against you; you seem like a great honest person.

Dennis

On Wed, Dec 1, 2021, 2:51 PM Dennis Philipson wrote:

Hello Glenn,

I hope you had a nice Thanksgiving as well.

I am still waiting to hear back from my original submission from April.

Dennis

On Wed, Dec 1, 2021, 2:26 PM Russell, Glenn wrote:

Good afternoon Dennis.

Hope you had a good Thanksgiving.

I was curious if you submitted a NEW call into the whistleblower hotline on 11/24/21 in the evening?

Thank you

Glenn

Glenn Russell, CPA, CIA

SVP, Internal Audit

6815 Poplar Avenue, Suite 500

Germantown, TN 38138

P: 901-435-5412 M: 901-568-3052

www.maac.com

Created

Tue, 11/30/2021 - 13:52

Hello, I am checking to see if the report regarding my claim is available. Thank you.

Created

Wed, 11/24/2021 - 18:12

More info coming soon.

Created

Tue, 09/21/2021 - 14:00

The investigator and/or the Company's legal counsel, will contact, to the extent the identity of the person who files a report is known, each Company employee or contractor who files a Report to inform him or her of the results of the investigation and what, if any, corrective action was taken.

From

Mid-America Apartment Communities, Inc. Representative

Created

Tue, 04/06/2021 - 14:07

Thank you for making this submission so that we can review your concerns.

Anwar Brooks, Director of Employee Relations, will be reaching out to you through the email contact address you provided. He may also be joined by Glenn Russell, SVP of Internal Audit.

Please feel free to provide any additional information you wish to share either through this platform or directly with Anwar. Anwar can be reached by email at anwar.brooks@maac.com or by phone at 901-248-4123.

Add Comment

Message

^ Documents

 Add Comment

Welcome back to Whistleblower.



WHISTLEBLOWER



Message Summary

Subject

Harassment

Type

Secure Web Form

Documents

	Screenshot_20210917-105728.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-105728.png?language=en)	695.24 KB
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	2-19-21+Resident+Harrasement.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/2-19-21%2BResident%2BHarrasement.pdf?language=en)	1.67 MB
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	Screenshot_20210917-110015.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-110015.png?language=en)	2.11 MB

Created

Fri, 09/17/2021 - 11:00

Original Message

I spent 5 years working for this company and not only was harassed by residents also my direct supervisor, Mr Blackman. I had an issue with two residents harassing me and Jay dismissed the situation and told me to handle myself. Jay, constantly commented on my looks and weight where at one time I had to ask him to stop and tell them i was tired of these comments. For years, after I sent in medical documents saying I had a mental illness, he sent me "waterboy" memes, which I can only assume were commenting on my mental capacity. I

have attached a couple text messages and one email, though there are several in my archives dating back to 2017. I also, do not want to send anymore documents based on advice given. Please do not contact me, you should really look into this though. Oh, also you TA manager helped me have a new hire beat a drug test...I got proof of that as well. Just thought you should know. Thanks. Have a great day!!

Comments

Displaying 1 - 10 of 10

Created

Sun, 12/05/2021 - 08:53

You can close this submission and not contact me further. Dennis Philipson

Created

Wed, 11/24/2021 - 18:12

More info coming soon.

Created

Fri, 09/24/2021 - 08:56

OK, great - I am sure the EEOC will be able to settle this matter. Thanks again!

Created

Thu, 09/23/2021 - 07:47

please disregard, wrong portal.

Documents

11-8-2017 Amber Cato.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-23/11-8-2017%20Amber%20Cato_0.pdf?language=en)

919.77 KB

From

Mid-America Apartment Communities, Inc. Representative

Created

Wed, 09/22/2021 - 13:53

Thank you for reaching out. We have received your additional information. The concerns you have presented are currently being handled through the EEOC.

Created

Mon, 09/20/2021 - 20:23

This is my final attempt to bring this matter to MAAs attention. I have dozens more emails, texts, etc regarding Jay's childishness and harassing behavior while I was with MAA. Do something about it!! Again, I am not the first person to bring this up or will I be the last.

Created

Mon, 09/20/2021 - 20:20

Not

Documents

	Screenshot_20210920-201826.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Screenshot_20210920-201826.png?language=en)	1.34 MB
	Screenshot_20210920-201826.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Screenshot_20210920-201826_0.png?language=en)	1.34 MB
	Screenshot_20210920-201837.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Screenshot_20210920-201837.png?language=en)	861.85 KB

Created

Mon, 09/20/2021 - 19:04

additional emails

Documents

	Email 8-26-20 Innappropriate Meme.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Email%208-26-20%20Innappropriate%20Meme_0.pdf?language=en)	1.58 MB
	Email 9-22-20 Innapproiate Meme.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Email%209-22-20%20Innapproiate%20Meme_1.pdf?language=en)	1.18 MB
	email 11-16-20.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/email%2011-16-20_0.pdf?language=en)	1.23 MB

Created

Fri, 09/17/2021 - 14:45

Also, to Add, how MAA had Drew's back during the whole traumatic ordeal and court case with the resident, Reza.

Created

Fri, 09/17/2021 - 14:38

Also, to add, there were witnesses when I asked him to stop commenting on my weight, clothes etc. I continued to be mocked even after that encounter. Due to past experiences with individuals reporting Jay and my interaction with your ER department, reporting him

would have been useless. Not to mention, that your recent "investigation" did not even question any employees I had worked with in the past about harassment. All of them told me they were never even questioned. I heard inappropriate conversations regarding same sex with Kevin Curtis. I heard inappropriate things mentioned with Hannah Schindlewolf. I heard race related comments with Addi. It is apparent that you do not do very thorough investigations.

Also, when a financial concern was brought up, nothing was done. I have an email, from the CEO of that company, saying " Jay and I worked this out. It is apparent, that you do not do adequate investigation even after I tried to give the opportunity for this.

Thanks. Have a great weekend.

Add Comment

Message

Documents



Add Comment

WHISTLEBLOWER



Message Summary








Subject

Inaccurate Coding

Type

Secure Web Form

Documents

	3-12-21 Ice Storm Causalty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causalty.pdf?language=en)	1.31 MB
	Fake Tree Removal 12-1-20.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Fake%20Tree%20Removal%2012-1-20.pdf?language=en)	729.46 KB
	email 9-30-21.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/email%209-30-21.pdf?language=en)	1015.25 KB
	Email 11-24-20.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Email%2011-24-20.pdf?language=en)	1.18 MB
	Post Tysons Corner SO 7370107.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Post%20Tysons%20Corner%20SO%207370107.pdf?language=en)	2.39 MB
	Post Tysons Corner SO 7370107.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Post%20Tysons%20Corner%20SO%207370107_0.pdf?language=en)	2.39 MB
	3-12-21 Ice Storm Causalty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causalty_0.pdf?language=en)	1.31 MB
	3-12-21 Ice Storm Causalty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causalty_1.pdf?language=en)	1.31 MB
	Post Tysons Corner - Install Chalet Stone Boulders at Pool SO 7387824.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Post%20Tysons%20Corner%20-%20%20Install%20Chalet%20Stone%20%20Boulders%20at%20Pool%20SO%207387824.pdf?language=en)	2.12 MB
	email 9-30-21.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/email%209-30-21_0.pdf?language=en)	1015.25 KB

Created

Mon, 09/20/2021 - 13:13

Original Message

I had brought this type of info up before - and never received an update under the original whistleblower complaint. I have also filed whistleblower complaints with other agencies as well so they can double-check. I am not sure what kind of investigating you do, but it is straightforward to pull all invoices using GL Code CLS. These items are not casualty losses; they should be regular property expenses. There was no actual storm damage or casualty loss. I was instructed by RVP, SVP, RLD, and RSD on numerous occasions that these items should be casualty loss when they were not. I have attached a few emails to show some examples. There are other examples, and this is company-wide.

Comments

Displaying 1 - 25 of 35

Created

Fri, 01/17/2025 - 13:39

Email to Paige Mills, after asking repeatedly, not to contact.

Documents



Email to Page.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-17/Email%20to%20Page.pdf?language=en>)

246.95 KB

Created

Fri, 01/17/2025 - 13:38

Email to Paige Mills

Created

Fri, 01/17/2025 - 13:32

Here's a screenshot of me notifying MAA executives—Melanie Carpenter, Tim Argo, Bradley Hill (the new CEO)—along with attorneys Golwen and Thomas, about the unethical actions occurring in the West Tennessee Court and the Sixth Circuit Court. These actions include judicial misconduct, multiple orders issued by Michael Kappellas without disclosing his conflicts of interest, ex parte communications, and more. Despite being fully informed, the attorneys and executives at MAA continue to show no interest in addressing or reviewing the facts of the case. Their inaction demonstrates complicity in the fraudulent activities happening at MAA and within the courts, including judicial misconduct, fraudulent actions by their attorneys and employees, accounting irregularities, misuse of internal insurance companies, antitrust violations, destruction of evidence, and numerous other serious issues.

Documents

**Screenshot 2025-01-17 131808.png**

(<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-17/Screenshot%202025-01-17%20131808.png?language=en>)

397.31 KB

Created

Fri, 01/17/2025 - 13:26

Has anyone reached out to the Securities and Exchange Commission (SEC) or the Department of Justice (DOJ) to report my alleged "harassment" of employees or "abuse" of their required system? If none of my claims held any legitimacy, wouldn't it make sense for someone to involve them?

Created

Thu, 01/16/2025 - 16:33

I am continuing to document my concerns for Leslie Wolfgang, Melanie Carpenter, the new CEO, the new CFO, Glenn, the Board of Directors, and other executives at MAA.

Created

Thu, 01/16/2025 - 16:29

Show Cause Response

Documents**07-11-24 - 7-11-24 - No 24-5614 - Response to Order to Show Cause with Exhibits - Med**

Compression.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-16/07-11-24%20-%207-11-24%20-%20No%2024-5614%20-%20Response%20to%20Order%20to%20Show%20Cause%20with%20Exhibits%20-%20Med%20Compression.pdf?language=en>)

23.81 MB

Created

Thu, 01/16/2025 - 16:27

Page 1 of 27

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

MID-AMERICA APARTMENT
COMMUNITIES, INC.,
Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,
Defendant-Appellant

)))

PRO SE APPELLANT BRIEF

) January 16, 2025

)

)

)Page 2 of 27

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• Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53 (2006)	16, 21
• Chambers v. NASCO, Inc., 501 U.S. 32 (1991)	16, 22
• Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)	3, 14, 19
• Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988)	13, 16, 22
• Seattle Times Co. v. Rhinehart, 467 U.S. 20 (1984)	5, 8, 11
• Securities and Exchange Commission v. CMKM Diamonds, Inc., 729 F.3d 1248 (9th Cir. 2013)	2, 13
• Thomas v. Tenneco Packaging Co., 293 F.3d 1306 (6th Cir. 2002)	17, 22
• Welch v. Chao, 536 F.3d 269 (4th Cir. 2008)	4, 7, 11, 17

Statutes

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

RECEIVED

02/20/2025

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

APPELLANT'S MOTION TO
ENFORCE APPELLATE
JURISDICTION AND STAY
DISTRICT COURT PROCEEDINGS

Appellant Dennis Michael Philipson ("Appellant"), proceeding pro se, respectfully moves this Court to enforce its jurisdiction over this matter and issue an order staying all further proceedings in the United States District Court for the Western District of Tennessee pending resolution of this appeal.

This motion is necessitated by Plaintiff-Appellee Mid-America Apartment Communities, Inc. ("MAA")'s improper attempt to reopen proceedings in the district court, despite the clear divestment of jurisdiction under well-established precedent and the Federal Rules of Appellate Procedure.

Additionally, Appellant formally notifies this Court that he intends to file a separate retaliation lawsuit against MAA in North Carolina and/or Georgia, where MAA maintains significant business operations, regional offices, and real estate holdings.

For the reasons set forth below, Appellant respectfully requests that this Court:

1. Affirm that the district court lacks jurisdiction to entertain Plaintiff-Appellee's Motion to Reopen while the appeal is pending.
2. Direct Plaintiff-Appellee to comply with its appellate obligations and submit its appellate brief by February 24, 2025, as mandated by the briefing schedule.

3. Issue an order staying all district court proceedings until this Court resolves the pending appeal.

I. THE DISTRICT COURT LACKS JURISDICTION TO REOPEN THIS CASE WHILE THE APPEAL IS PENDING

Once an appeal is docketed, the district court is divested of jurisdiction over substantive matters directly related to the appeal. See *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”).

A. Plaintiff-Appellee’s Attempt to Reopen the Case is a Procedural Violation

Plaintiff-Appellee’s Motion to Reopen violates Federal Rule of Appellate Procedure 8(a)(1), which prohibits district courts from exercising jurisdiction over issues directly involved in a pending appeal. See also *United States v. Holloway*, 740 F.2d 1373, 1382 (6th Cir. 1984) (holding that a district court may not interfere with matters pending on appeal).

By improperly seeking relief in the district court, Plaintiff-Appellee is forum-shopping and attempting to circumvent appellate review. This Court should assert its jurisdiction and preclude the district court from acting outside of its authority.

B. Allowing the District Court to Proceed Would Result in Procedural Chaos and Jurisdictional Conflict

Permitting the district court to reopen the case while the appeal is pending would create jurisdictional confusion and procedural inefficiency. It would force Appellant to defend against overlapping proceedings in two courts, in direct contravention of due process and the fundamental purpose of appellate review. See *Doe v. Pub. Citizen*, 749 F.3d 246, 258 (4th Cir. 2014) (recognizing the appellate court’s jurisdiction as paramount once an appeal is docketed).

Accordingly, Appellant requests that this Court enter an order confirming that the district court is without jurisdiction and preventing any further district court proceedings pending appellate resolution.

II. PLAINTIFF-APPELLEE MUST COMPLY WITH THE FEBRUARY 24, 2025 APPELLATE BRIEFING DEADLINE

Pursuant to this Court's briefing schedule, Plaintiff-Appellee is required to submit its appellate brief by February 24, 2025. Rather than complying, Plaintiff-Appellee is improperly seeking to reopen proceedings in the district court, a transparent tactic designed to:

1. Delay appellate review and evade scrutiny of the district court's rulings.
2. Exhaust Appellant's resources by forcing litigation in multiple courts simultaneously.
3. Obstruct due process by interfering with Appellant's ability to pursue meaningful appellate relief.

A. Appellant's Prior Request for an Extension Was Denied, Demonstrating Procedural Bias

Appellant previously sought an extension of appellate deadlines based on legitimate grounds; however, this request was summarily denied. Yet, Plaintiff-Appellee is being granted procedural leniency, including an implicit stay of its appellate obligations through improper district court filings. Such a double standard undermines fairness and the integrity of this Court's appellate process.

B. This Court Must Uphold Its Scheduling Order

Allowing Plaintiff-Appellee to proceed in the district court while disregarding its appellate briefing deadline is a violation of judicial efficiency and procedural fairness. See *Gonzalez v. Thaler*, 565 U.S. 134, 147 (2012) (holding that courts must enforce procedural rules consistently to maintain fairness).

Thus, this Court should issue an order compelling Plaintiff-Appellee to file its appellate brief by February 24, 2025, as required, and prohibiting further delay tactics.

III. APPELLANT INTENDS TO FILE A RETALIATION ACTION AGAINST PLAINTIFF-APPELLEE IN ANOTHER JURISDICTION

Appellant formally places on record his intent to file a separate retaliation lawsuit against Plaintiff-Appellee in North Carolina and/or Georgia, where MAA maintains regional offices, subsidiaries, and significant real estate holdings.

A. MAA's Conduct Constitutes Retaliation Under Federal Law

Plaintiff-Appellee has engaged in a coordinated effort to retaliate against Appellant for engaging in protected legal activities. This includes:

- Weaponizing legal proceedings to intimidate and silence Appellant.
- Improperly using subpoenas and discovery to invade Appellant's privacy.
- Engaging in vexatious litigation tactics to exhaust Appellant's resources.

These actions constitute violations of multiple federal whistleblower protection laws, including but not limited to:

- The Sarbanes-Oxley Act (18 U.S.C. § 1514A)
- The Dodd-Frank Act (15 U.S.C. § 78u-6(h)(1))
- The Criminal Antitrust Anti-Retaliation Act (15 U.S.C. § 7a-3)

B. The Pending Appeal Should Not Be Compromised by Procedural Misconduct

Plaintiff-Appellee's conduct exemplifies a pattern of procedural abuse that this Court should not condone. By improperly seeking to reopen proceedings in the district court, Plaintiff-Appellee is further compromising due process and obstructing Appellant's access to justice in another forum.

IV. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court:

1. Confirm that the district court lacks jurisdiction to reopen this case while the appeal is pending.
2. Order Plaintiff-Appellee to comply with the appellate briefing schedule and file its brief by February 24, 2025.
3. Issue a stay on all further district court proceedings until this Court resolves the appeal.

Dated this 20th day of February 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February 2025, a true and correct copy of the foregoing APPELLANT'S MOTION TO ENFORCE APPELLATE JURISDICTION AND STAY DISTRICT COURT PROCEEDINGS was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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, sweeping horizontal stroke extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

Exhibit A

RECEIVED

02/20/2025

KELLY L. STEPHENS, Clerk

24-6082

APPELLANT'S MOTION TO
ENFORCE APPELLATE
JURISIDICATION AND STAY
DISTRICT COURT PROCEEDINGS

1. Affirm that the district court lacks jurisdiction to entertain Plaintiff-Appellee's Motion to Reopen while the appeal is pending.
2. Direct Plaintiff-Appellee to comply with its appellate obligations and submit its appellate brief by February 24, 2025, as mandated by the briefing schedule.

3. Issue an order staying all district court proceedings until this Court resolves the pending appeal.

I. THE DISTRICT COURT LACKS JURISDICTION TO REOPEN THIS CASE WHILE THE APPEAL IS PENDING

Once an appeal is docketed, the district court is divested of jurisdiction over substantive matters directly related to the appeal. See *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”).

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By improperly seeking relief in the district court, Plaintiff-Appellee is forum-shopping and attempting to circumvent appellate review. This Court should assert its jurisdiction and preclude the district court from acting outside of its authority.

B. Allowing the District Court to Proceed Would Result in Procedural Chaos and Jurisdictional Conflict

Permitting the district court to reopen the case while the appeal is pending would create jurisdictional confusion and procedural inefficiency. It would force Appellant to defend against overlapping proceedings in two courts, in direct contravention of due process and the fundamental purpose of appellate review. See *Doe v. Pub. Citizen*, 749 F.3d 246, 258 (4th Cir. 2014) (recognizing the appellate court’s jurisdiction as paramount once an appeal is docketed).

Accordingly, Appellant requests that this Court enter an order confirming that the district court is without jurisdiction and preventing any further district court proceedings pending appellate resolution.

II. PLAINTIFF-APPELLEE MUST COMPLY WITH THE FEBRUARY 24, 2025 APPELLATE BRIEFING DEADLINE

Pursuant to this Court's briefing schedule, Plaintiff-Appellee is required to submit its appellate brief by February 24, 2025. Rather than complying, Plaintiff-Appellee is improperly seeking to reopen proceedings in the district court, a transparent tactic designed to:

1. Delay appellate review and evade scrutiny of the district court's rulings.
2. Exhaust Appellant's resources by forcing litigation in multiple courts simultaneously.
3. Obstruct due process by interfering with Appellant's ability to pursue meaningful appellate relief.

A. Appellant's Prior Request for an Extension Was Denied, Demonstrating Procedural Bias

Appellant previously sought an extension of appellate deadlines based on legitimate grounds; however, this request was summarily denied. Yet, Plaintiff-Appellee is being granted procedural leniency, including an implicit stay of its appellate obligations through improper district court filings. Such a double standard undermines fairness and the integrity of this Court's appellate process.

B. This Court Must Uphold Its Scheduling Order

Allowing Plaintiff-Appellee to proceed in the district court while disregarding its appellate briefing deadline is a violation of judicial efficiency and procedural fairness. See *Gonzalez v. Thaler*, 565 U.S. 134, 147 (2012) (holding that courts must enforce procedural rules consistently to maintain fairness).

Thus, this Court should issue an order compelling Plaintiff-Appellee to file its appellate brief by February 24, 2025, as required, and prohibiting further delay tactics.

III. APPELLANT INTENDS TO FILE A RETALIATION ACTION AGAINST PLAINTIFF-APPELLEE IN ANOTHER JURISDICTION

Appellant formally places on record his intent to file a separate retaliation lawsuit against Plaintiff-Appellee in North Carolina and/or Georgia, where MAA maintains regional offices, subsidiaries, and significant real estate holdings.

A. MAA's Conduct Constitutes Retaliation Under Federal Law

Plaintiff-Appellee has engaged in a coordinated effort to retaliate against Appellant for engaging in protected legal activities. This includes:

- Weaponizing legal proceedings to intimidate and silence Appellant.
- Improperly using subpoenas and discovery to invade Appellant's privacy.
- Engaging in vexatious litigation tactics to exhaust Appellant's resources.

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- The Dodd-Frank Act (15 U.S.C. § 78u-6(h)(1))
- The Criminal Antitrust Anti-Retaliation Act (15 U.S.C. § 7a-3)

B. The Pending Appeal Should Not Be Compromised by Procedural Misconduct

Plaintiff-Appellee's conduct exemplifies a pattern of procedural abuse that this Court should not condone. By improperly seeking to reopen proceedings in the district court, Plaintiff-Appellee is further compromising due process and obstructing Appellant's access to justice in another forum.

IV. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court:

1. Confirm that the district court lacks jurisdiction to reopen this case while the appeal is pending.
2. Order Plaintiff-Appellee to comply with the appellate briefing schedule and file its brief by February 24, 2025.
3. Issue a stay on all further district court proceedings until this Court resolves the appeal.

Dated this 20th day of February 2025

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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February 2025, a true and correct copy of the foregoing APPELLANT'S MOTION TO ENFORCE APPELLATE JURISDICTION AND STAY DISTRICT COURT PROCEEDINGS was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

RECEIVED

02/20/2025

KELLY L. STEPHENS, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

**NOTICE OF APPELLATE FILING AND LACK OF DISTRICT COURT
JURISDICTION**

Defendant Dennis Michael Philipson ("Defendant"), proceeding pro se, hereby notifies this Court that on February 20, 2025 he has filed a Motion to Enforce Appellate Jurisdiction and Stay District Court Proceedings with the United States Court of Appeals for the Sixth Circuit in relation to this matter (Exhibit A). This motion seeks confirmation that the district court lacks jurisdiction to entertain Plaintiff's Motion to Reopen Case while the appeal is pending.

Pursuant to *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982) and Federal Rule of Appellate Procedure 8(a)(1), once a notice of appeal has been filed, jurisdiction over substantive matters rests exclusively with the appellate court. Any further proceedings in this Court regarding the issues currently on appeal would exceed its authority and risk infringing upon the appellate court's jurisdiction. Additionally, Defendant has formally requested that the appellate court direct Plaintiff-Appellee to comply with the appellate briefing schedule and submit its brief by February 24, 2025, as required. Defendant objects to any attempts by Plaintiff to circumvent the appellate process by improperly seeking relief in this Court.

Accordingly, Defendant places on record his objection to any further proceedings in this Court related to Plaintiff's Motion to Reopen Case pending a ruling from the appellate court.

Dated this 20th day of February 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2025, a true and correct copy of the foregoing NOTICE OF APPELLATE FILING AND LACK OF DISTRICT COURT JURISDICTION was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
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21 Platform Way South,
Suite 3500
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, sweeping horizontal line extending to the right.

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

No. 24-6082

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

Feb 21, 2025

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff - Appellee,

v.

DENNIS PHILIPSON,

Defendant - Appellant.

O R D E R

The defendant, proceeding pro se, appeals the district court's judgment in this civil action alleging trademark infringement and unfair competition under federal law, negligence, defamation, tortious interference, deceit, and related state law claims. The defendant has filed a "motion for reasonable accommodation and regulated interaction with plaintiff appellee's counsel." The plaintiff has not responded, and the time for doing so has passed. The defendant's omnibus motion requests a variety of accommodations, including extension of deadlines, hard copies of court orders, simplified communications, and limitation on communications from opposing counsel.

The defendant may move for an extension of time by written motion. 6 Cir. R. 26(a)(1). Although the court "disfavors applications for extensions of time for the filing of briefs," *id.*, the court may extend time for "good cause." Fed. R. App. P. 26(b). The defendant may, as appropriate, seek extensions of time to meet his various deadlines. As the defendant proceeds pro se, the clerk will continue to serve the defendant in paper. Further, as stated in the case opening letter, the clerk's office cannot give legal advice but the defendant may direct questions

- 2 -

to his case manager at the phone number listed in the case opening letter. Otherwise, the defendant may either file in paper format or “by submitting permissible documents” to the court’s pro se email box. 6 Cir. R. 25(b)(2)(a). Finally, neither the Federal Rules of Appellate Procedure nor the Sixth Circuit Rules or Internal Operating Procedures authorize the court to impose any restrictions on opposing counsel’s interactions with a pro se party.

The clerk shall terminate the defendant’s motion on the docket. The defendant’s separate request to expedite review is DENIED AS MOOT.

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 02/21/2025.

Case Name: Mid-America Apartment Communities, Inc. v. Dennis Philipson
Case Number: 24-6082

Docket Text:

ORDER filed - The defendant may move for an extension of time by written motion. 6 Cir. R. 26(a)(1). Although the court “disfavors applications for extensions of time for the filing of briefs,” *id.*, the court may extend time for “good cause.” Fed. R. App. P. 26(b). The defendant may, as appropriate, seek extensions of time to meet his various deadlines. As the defendant proceeds *pro se*, the clerk will continue to serve the defendant in paper. Further, as stated in the case opening letter, the clerk’s office cannot give legal advice but the defendant may direct questions to his case manager at the phone number listed in the case opening letter. Otherwise, the defendant may either file in paper format or “by submitting permissible documents” to the court’s *pro se* email box. 6 Cir. R. 25(b)(2)(a). Finally, neither the Federal Rules of Appellate Procedure nor the Sixth Circuit Rules or Internal Operating Procedures authorize the court to impose any restrictions on opposing counsel’s interactions with a *pro se* party. The clerk shall terminate the defendant’s motion on the docket. The defendant’s separate request to expedite review is DENIED AS MOOT.

The following document(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

CASE NO. 24-6082

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MID-AMERICA APARTMENT COMMUNITIES,

Plaintiffs/Appellees,

v.

DENNIS PHILIPSON,

Defendant/Appellant.

On Appeal from the United States District Court
for the Western District of Tennessee
Case No. 2:23-cv-02186, Hon. Sheryl H. Lipman

BRIEF OF APPELLEES MID-AMERICA APARTMENT COMMUNITIES

Paige W. Mills
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STATEMENT OF JURISDICTION

As authorized by 28 U.S.C. § 1331, MAA filed this action in the United States District Court for the Western District of Tennessee (the “district court”).

Complaint, R. 1.

This Court has jurisdiction over this appeal from the district court’s final Judgment, entered November 1, 2024. Judgment, R. 125-1, PageID# 2234.

STATEMENT OF THE ISSUES

1. Whether the district court's decision was correctly decided based on the facts in the record?
2. Whether the district court erroneously allowed MAA to issue altered subpoenas in violation of Federal Rule of Civil Procedure 45?
3. Whether there were any judicial conflicts of interest in this case?
4. Whether MAA or the district court engaged in abusive discovery tactics?
5. Whether the district court relied on tampered evidence and speculative testimony?
6. Whether this case is an effort to retaliate against Philipson?
7. Whether Philipson's due process rights were violated?

STATEMENT OF THE CASE

I. THE PARTIES AND THE DISPUTE

Mid-America Apartment Communities, Inc. (“MAA”) is a residential management company and is the second-largest owner of apartments in the United States. MAA’s real estate portfolio includes thousands of residences and apartment communities throughout the Southeast, Southwest, and Mid-Atlantic regions of the United States.

Through its extensive use of its various MAA trademarks (“MAA Marks”), MAA has invested heavily in protecting and marketing its services throughout the United States. MAA and its MAA Marks have become widely known by consumers of apartment rental services in the United States. MAA owns trademark registrations and has pending trademark applications for the MAA Marks in the United States.

MAA filed Case No. 2:23-cv-02186-SHL-cgc in the United States District Court for the Western District of Tennessee on April 3, 2023, alleging claims of trademark infringement and unfair competition against John Does 1 and 2. Complaint, R. 1, PageID# 1-18. In short, the claims involved John Does 1 and 2 purchasing and setting up websites and domains that infringe on Plaintiff’s trademarks, creating false accounts on LinkedIn, and generally harassing and stalking Plaintiff and its employees online.

By issuing a series of third-party subpoenas, MAA was able to determine that

John Does 1 and 2 were actually a single person – Dennis Philipson. First Amended Complaint, R. 16, PageID# 180. Philipson was formerly employed as a property manager for MAA. Philipson gave notice to MAA in late March of 2017, stating that he was leaving to pursue his acting career. He later changed his mind and tried to withdraw his resignation a few days later. However, he made a number of negative comments about MAA on or about the time he gave notice. Accordingly, MAA determined that it was not in its best interest to allow him to withdraw his resignation and decided to pay him in lieu of letting him work out his notice.

This series of events upset Mr. Philipson and ignited his long and relentless vendetta against MAA. Since that time, Mr. Philipson has made hundreds of communications to MAA or its employees complaining about alleged fraud, his alleged mistreatment while working there, the supposed malfeasance of other MAA employees and other alleged “SEC and IRS violations.” He also claims to have made numerous complaints to various federal agencies about MAA, such as the SEC, the IRS, and the DOJ. All of these allegations have been carefully and duly investigated and have all been found to be without merit.

Philipson purchased a number of Infringing Domains, created an Infringing Website, and an Infringing Logo that used the MAA Marks in an effort to confuse MAA’s customers and denigrate and tarnish the company and its brand. Moreover, Philipson used the MAA Marks to create an infringing LinkedIn Account for

“MAAApartments,” which is full of false information, and non-existent employees (the “Infringing Accounts”), and which is intended to confuse customers and hurt MAA and its business. Philipson used the Infringing Website and Domains and the Infringing Accounts to repeatedly contact MAA, its employees, and those associated with them, in an effort to harass and intimidate them and interfere with MAA’s business. In more than one case, Philipson committed fraud by using the identities of MAA employees without permission to set up false email accounts in order to obscure the ownership of the Infringing Domains, Websites and Accounts. Moreover, Philipson used the Infringing Websites, Domains, and Accounts to contact MAA’s customers in an attempt to confuse them, denigrate MAA and its brand, and interfere with MAA’s business.

II. PROCEDURAL HISTORY

On June 13, 2023, MAA filed its First Amended Complaint, naming Dennis Philipson as the Defendant. First Amended Complaint, R. 16, PageID# 173 - 269. Philipson never filed an Answer to either Complaint. Because of Philipson’s continued harassment and failure to comply with multiple Court orders, MAA filed its Motion for Sanctions of Judgment and Permanent Injunction Against Philipson on March 6, 2024. Motion for Sanctions of Judgment and Permanent Injunction, R. 92, PageID# 1477 - 1484. Philipson again failed to respond to this Motion or dispute the facts in MAA’s Motion in any way.

On May 6, 2024, the district court granted the Motion for Judgment and entered the Injunction. Order Granting Motion for Sanctions and Granting in Part Motion for Permanent Injunction, R. 97, PageID# 1560 - 1577. After the Court granted the Injunction, Philipson violated multiple portions of it by sending emails to hundreds of MAA employees, creating or maintaining certain social media accounts and submitting more than 55 duplicative and frivolous complaints to MAA's internal whistleblower platform. Because of this, MAA filed a Motion for Contempt for Violating Permanent Injunction against Philipson on July 8, 2023. Motion for Contempt for Violating Permanent Injunction, R. 113, PageID# 2069 - 2189.

On November 1, 2024, the district court entered Judgment for MAA in the amount of \$207,136.32 for damages, \$383,613.61 for attorneys' fees and costs, and \$33,214.91 in pre-judgment interest, as well as post-judgment interest at a rate of 5.19% per annum from May 6, 2024, until the damages are paid in full. Judgment, R. 125-1, PageID# 2234.

Neither the Temporary or Permanent Injunctions, Motion for Contempt, which is still pending, nor the Judgment entered against him has stopped Philipson. He continues to violate the Permanent Injunction by attempting to email MAA personnel, using MAA personnel's names and email addresses to apply for jobs and signup for subscriptions, and abusing the Whistleblower Portal with false and

defamatory allegations that have already been investigated numerous times and been determined to be without merit, sometimes filing multiple submissions per day.

Philipson appealed the district court's judgment to this Court, citing specific issues raised on appeal as: altered subpoenas, judicial conflicts of interest, abuse of discovery, tampered evidence and speculative testimony, retaliatory litigation, and violation of due process rights.

SUMMARY OF THE ARGUMENT

Philipson makes sweeping allegations of misconduct, harassment, and an unfair judicial process. However, he fails to point to a single act of reversible error in the record. Further, he fails to point to anything to suggest that the district court was erroneous in awarding judgment in MAA's favor.

As the record below shows, the district court was extremely accommodating to Philipson. Despite this, Philipson regularly ignored its Orders and made a practice of failing to appear at scheduled hearings. Even after the district court issued a permanent injunction against Philipson, he continued to infringe on MAA's trademarks and harass its employees.

There is no merit to any of Philipson's arguments in his appellant brief, and there was no error committed by the district court in entering judgment in favor of MAA. Therefore, the final judgment of the district court should be affirmed.

ARGUMENT

I. STANDARD OF REVIEW

This Court reviews factual findings for clear error and conclusions of law *de novo*. *Chesnut v. United States*, 15 F.4th 436, 441-42 (6th Cir. 2021) (holding the standard of review under Federal Rule of Civil Procedure 52(a) applies to cases decided on the record). “In a *de novo* review, this Court is required to answer the same question as presented to the district court without any deference.” *Id.* “Clear error will be found only when the reviewing court is left with the definite and firm conviction that a mistake has been committed.” *Id.* (quoting *Max Trucking, LLC v. Liberty Mut. Ins. Corp.*, 802 F.3d 793, 808 (6th Cir. 2015)).

This Court reviews an award of money damages under an abuse of discretion standard. *Hance v. Norfolk Southern Ry. Co.*, 571 F.3d 511, 517 (6th Cir. 2009). “A court abuses its discretion when it relies on clearly erroneous findings of fact, or when it improperly applies the law or uses an erroneous legal standard.” *Id.*

II. PHILIPSON HAS FAILED TO POINT OUT ANY REVERSIBLE ERRORS OR DEMONSTRATE WHY THE COURT’S JUDGMENT WAS INCORRECT.

In his Appellant Brief, Philipson makes a variety of assertions for why the district court’s Judgment was erroneous. However, he fails to point out a single act that is reversible, nor does he point to anything in the record to support his reasons for why the district court was incorrect in entering judgment for MAA. Although he makes various allegations as to why the district court’s judgment should be vacated,

he specifically lists the following as the issues on appeal: altered subpoenas, judicial conflicts of interest, abuse of discovery, tampered evidence and speculative testimony, retaliatory litigation, and violation of due process rights. Philipson does not demonstrate a single incorrect statement of law or erroneous finding of fact in Judge Lipman's judgment. In fact, he cannot do so because he did not contest the factual record in the trial court because he failed to file a response despite having numerous opportunities to do so. Accordingly, Philipson cannot successfully challenge this result on appeal because the factual record cannot be supplemented or changed on appeal. Likewise, Philipson cites no legal authority that would change the result of the order about which he complains. As such, his entire appeal is without merit, and the trial court's judgment should be affirmed in all respects.

A. MAA'S SUBPOENAS ARE NOT IN CONFLICT WITH FEDERAL RULE OF CIVIL PROCEDURE 45.

Philipson asserts that MAA improperly altered subpoenas, in violation of Federal Rule of Civil Procedure 45. However, Philipson fails to assert how MAA's third-party subpoenas violated Rule 45. He maintains that the subpoenas targeted his personal communications and were improperly served.

The district court issued an Order Granting MAA's Motion for Limited Expedited Discovery, which allowed MAA to issue third-party subpoenas in order to identify Philipson's identity. Order Granting MAA's Motion for Limited Discovery, R. 8, PageID# 137-139. The district court found that MAA

“demonstrated good cause for expedited discovery” because unfair competition and infringement are “the type of claims that generally support a finding of good cause,” because Philipson engaged in anonymous behavior, MAA “has a low likelihood of identifying the proper defendants without the aid of their requested discovery from the internet platforms,” and “the scope of Plaintiff’s requested discovery is sufficiently narrow as it requests only limited information aimed at identifying the users who allegedly created infringing domains and fraudulent email accounts.” *Id.*, PageID# 2-3.

MAA issued the third-party subpoenas in accordance with the district court’s Order, for the sole purpose of determining who John Does 1 and 2 are. The subpoenas allowed MAA to determine that all of the infringing activity that was central to its claims was coming from Philipson’s own IP address. Philipson points to nothing in the record to support his argument that these subpoenas were improper, nor does he cite to any controlling law that would hold that the subpoenas were improper and that the district court’s judgment should be reversed as a result. The subpoenas were proper and Philipson’s arguments to the contrary are without merit.

B. THERE WERE NO JUDICIAL CONFLICTS OF INTEREST IN THIS CASE.

Philipson next asserts that “[t]his case was tainted by undisclosed conflicts of interest” due to a district court employee who was previously employed at the same law firm that represents MAA. There is no merit to this argument and nothing in the

record to suggest any appearance of impropriety. Philipson argues that “[m]etadata from judicial orders revealed that Mr. Kapellas authored key rulings in this case, including orders unfavorable to me, despite his prior professional relationship with opposing counsel.”

As noted in the very Order he complains about, Mr. Kapellas’ involvement in this case “in no way implicated either version of Rule 1.12.” Order Addressing Email to the Court, R. 103, PageID# 1635.

Rule 1.12(a) of the Model Rules of Professional Conduct provides:

Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

Similarly, Tennessee’s Rules of Professional Responsibility include a provision of the same number that is almost identical to the Model Rule:

Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk or staff attorney to such a person or as an arbitrator, unless all parties to the proceeding give informed consent, confirmed in writing.

Tenn. Sup. Ct. R. 1.12(a), RPC.

As the court explained: “the Model Rules and Tennessee’s Rules both focus on the impropriety of a judicial officer, including a law clerk, moving from a role in the judiciary to a role in which he represents someone whose matter he handled in

the judiciary. There is no such allegation here, as the law clerk in question followed the opposite path, i.e., from private practice to the judiciary.” *Id.* Mr. Kappelas’ affiliation with the law firm in question ended in August 2020. *Id.* Further, when this case was filed in April 2023, he was employed by another judge in the district. As the district court found, “[h]e had no knowledge of the case until he began working for the undersigned in August 2023, and is in no way personally or financially affected by the outcome in this matter, no matter what it may be.” *Id.* Judge Lipman’s thoughtful and well-reasoned analysis of this issue was correct and should stand, and Philipson points to no contrary law or facts that would change this result.

C. NEITHER MAA NOR THE DISTRICT COURT ABUSED THE DISCOVERY PROCESS.

Philipson next contends that MAA used the discovery process “as a tool of harassment and intimidation.” Appellant Brief, at 18. He specifically complains that MAA “issued intrusive and overly broad discovery requests, including demands for privileged whistleblower communications submitted to federal agencies such as the Securities and Exchange Commission (SEC) and Equal Employment Opportunity Commission (EEOC).” *Id.* Philipson argues that MAA’s discovery requests were in violation of Federal Rule of Civil Procedure 26 and the district court erred in allowing MAA’s requests.

Ironically, Philipson failed to comply with any of MAA’s discovery requests and he never moved for a protective order from them. Motion and Memorandum for

Contempt and Sanctions for Failure to Respond to Subpoena, R. 19, PageID# 274-294. Despite this failure, the district court actually denied MAA's Motion for Contempt due to the "unique nature of this case." Order Denying As Moot Plaintiff's Motion for Contempt, R. 94, PageID# 1544 ("The Court is dubious that Mr. Philipson has produced all of the documents that might be responsive to the subpoena. However, given the circumstances here, which include the fact that Mr. Philipson became a party to the case after having received the subpoena, the overlapping nature of materials MAA sought through the subpoena and documents requests, the fact that a finding of contempt is the lone sanction available under Rule 45, as well as the fact that MAA can – and has sought – additional sanctions against Mr. Philipson for his failure to respond to the discovery requests propounded upon him after he became a party to this case in its Motion for Permanent Injunction, the Court DENIES AS MOOT MAA's Motion for Contempt.").

In that same Order, the district court found Philipson in contempt for failing to respond to multiple court orders and failing to attend hearings before the court. The court ordered Philipson to respond to MAA's Motion for Permanent Injunction and to appear at a hearing addressing his contempt. *Id.*, PageID# 1557. Philipson again failed to appear or respond. Because of his failure to contest the motion and appear, the court granted in part MAA's motion for permanent injunction as well as MAA's motion for judgment. Order Granting Motion for Sanctions of Judgment and

Granting in Part Motion for Permanent Injunction, R. 97, PageID# 1560-1577. In that Order, the district court stated: “Mr. Philipson’s failure to abide by this Court’s orders and failure to engage in the discovery process are willful and in bad faith, and he has repeatedly demonstrated contumacious conduct.” *Id.*, PageID# 1571.

If anyone abused the discovery process in the district court case, it was Philipson. Judge Lipman’s analysis was correct and should stand. Philipson was given multiple chances to comply with the Rules and/or put in countervailing evidence, and he did not do so.

D. MAA DID NOT TAMPER WITH EVIDENCE.

Philipson next attempts to argue that “[t]he expert report submitted by MAA was riddled with speculative conclusions and lacked the methodological rigor required under Federal Rule of Evidence 702.” There is absolutely no proof in the record to support this baseless contention. Philipson does not list a single reason as to why he contends MAA’s expert report lacks methodological reliability and evidentiary support. In fact, reading the report, it is clear that this is not true. Further, Philipson did not raise this with the trial court or provide his own expert, and he points to no Order issued by the district court that relies on or even references the expert report. Therefore, there can be no reversible error regarding MAA’s expert report.

E. MAA’S COMPLAINT WAS NOT AN ATTEMPT AT UNLAWFUL RETRIBUTION OR INFRINGEMENT OF PHILIPSON’S WHISTLEBLOWER PROTECTIONS.

Philipson maintains that MAA’s proceedings were retaliatory in nature and violated Section 1514A of the Sarbanes-Oxley Act (18 U.S.C. § 1514A), enacted to protect whistleblowers from retaliatory actions by employers for the lawful reporting of alleged misconduct. Philipson continues to accuse MAA of retaliation for his “whistleblowing” activities. However, MAA’s initial Complaint did not even mention or seek to remedy these alleged activities. MAA’s Amended Complaint only referenced Philipson’s “whistleblowing” activities after its suspicions were confirmed that he was John Does 1 and 2 and points out the similarities across his numerous communications. Over the span of two years, MAA received numerous whistleblower complaints, all of which it believed were submitted by Philipson, even though he didn’t always use his own name. MAA investigated each allegation (that contained enough information to investigate) and concluded that each and every one was without merit. Despite the fact that MAA spent countless hours on this process and Defendant’s frivolous accusations, no lawsuits were filed in conjunction with any of the whistleblower complaints. MAA’s action against Philipson was about Philipson’s misuse of MAA’s trademarks and his intent to harass and confuse its customers and Philipson’s alleged “whistleblowing” does not give him any safe harbor to infringe or misuse Plaintiff’s trademarks. Philipson has not put any

admissible evidence in the record below that MAA took any action in retaliation for his alleged whistleblowing activities. As such, there is no evidence of any such retaliation other than Philipson's meritless and conclusory assertions.

As shown, MAA takes its obligations to protect the anonymity of whistleblowers and duly investigate any allegations very seriously. Philipson's reports are not the basis of the underlying lawsuit. This action is about trademark infringement, unfair competition, and harassment. The only link between Philipson's whistleblower complaints and the causes of action in the Complaint and Amended Complaint is that Philipson is responsible for both. The actions alleged in the Complaint and Amended Complaint are not privileged and MAA is well within its rights to protect its Marks and goodwill.

Further, the district court repeatedly found that this argument is without merit. In its Order Denying Dennis Philipson's Motion to Quash Subpoena, the Court noted:

Mr. Philipson also fails to establish that the information he provided to the Government as part of his various whistleblower complaints is privileged and protected under the Sarbanes-Oxley Act. His conclusory and generalized allegations of securities and tax fraud is insufficient to allege an objectively reasonable belief that Plaintiff violated one of the enumerated categories of fraud under 18 U.S.C. § 1514A(a)(1), such that he would be entitled to whistleblower protection.

Order Denying Motion to Quash, R. 15, PageID# 172 (citations omitted).

F. THERE WAS NO VIOLATION OF PHILIPSON’S DUE PROCESS RIGHTS.

Philipson asserts that the district court: failed to properly serve him documents, denied the opportunity for him to secure legal representation, and allowed intimidation tactics such as allowing process servers on his property and sending excessive legal correspondence to his home.

First, none of these assertions, if true, had any bearing on Philipson’s ability to defend himself. Philipson fails to show how any of these alleged instances constitute a reversible error. Philipson could have obtained legal counsel at any time. There is no court order denying him the ability to hire legal counsel. There is no legal support for Philipson’s assertions that a process server cannot come on his property in an attempt to lawfully serve him with process and Philipson has not cited to any.

Philipson simultaneously complains that he did not receive court filings and that he received excessive legal correspondence, attempting to have it both ways. Philipson repeatedly insisted that MAA and the Court mail him physical copies of every filing. Memorandum/Notice to the Court Regarding Extended Temporary Absence and Request for Secure Communication, R. 63, PageID# 637-638. As evidenced in his filing in this Court on February 3, 2025, both MAA and the district court have complied with his request to send copies of filings via U.S. Mail. Exhibit A, Dkt. 25. If he received “excessive legal correspondence,” it was at his own

election.

Philipson also regularly blocked MAA's counsel as well as the district court from his email address, making it impossible to provide him with filings and other correspondence, other than by "snail mail."

The district court was extremely accommodating to Philipson as a pro se defendant. There is no merit to his argument that his due process rights were violated.

CONCLUSION

For the foregoing reasons, the final Judgment of the District Court should be affirmed. Philipson has not shown by citing legal authority or by pointing to the factual record that the District Court has committed any reversible error.

DATED this 24th day of February, 2025.

Respectfully Submitted,

/s/ Paige Waldrop Mills

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CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because the brief contains 3,805 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f) and 6 Cir. R. 32(b)(1).
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the brief has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Times New Roman 14-point font.

DATED this 24th day of February, 2025.

/s/ Paige Waldrop Mills

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2025 the forgoing was served on the individual below by the ECF filing system and regular mail:

Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310

/s/ Paige Waldrop Mills

**RULE 30(G) DESIGNATION OF RELEVANT DISTRICT COURT
DOCUMENTS**

<u>Record Entry No.</u>	<u>Description</u>	<u>Record Entry Date</u>	<u>PageID# Range</u>
R1.	Complaint	April 3, 2023	1-18
R. 8	Order Granting Motion for Limited Expedited Discovery	April 7, 2023	137-139
R. 15	Order Denying Motion to Quash	May 16, 2023	169-172
R. 16	First Amended Complaint	June 13, 2023	173-269
R. 63	Memorandum/Notice to the Court Regarding Extended Temporary Absence and Request For Secure Communication	Oct. 14, 2023	637-638
R.92	Motion for Sanctions and Permanent Injunction Against Philipson	Mar. 6, 2024	1477-1484
R. 94	Order on Multiple Motions	Mar. 19, 2024	1537-1558
R. 97	Order Granting Motion for Sanctions And Granting in Part Motion for Permanent Injunction	May 6, 2024	1560-1577
R. 103	Order Addressing Email to the Court	June 21, 2024	1631-1638
R. 113	Motion for Contempt for Violating Permanent Injunction	July 8, 2024	2069-2189
R.125-1	Judgment	Nov. 5, 2024	2234

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02/24/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

APPELLANT’S MOTION FOR
RECONSIDERATION AND
CLARIFICATION OR ORDER
NO. 31

To the Honorable Judges of the United States Court of Appeals for the Sixth Circuit:

Defendant-Appellant Dennis Michael Philipson, proceeding pro se, respectfully submits this Motion for Reconsideration and Clarification regarding this Court’s Order No. 31, issued on February 21, 2025. The Order summarily disposed of Appellant’s Motion for Reasonable Accommodation and Regulated Interaction with Opposing Counsel without a substantive review, and denied his Motion to Expedite as moot. Appellant has been subjected to undue burden, procedural disadvantage, and significant delays in this case due to insufficient time to review filings, prepare legal arguments, and respond meaningfully to the Court’s directives. These issues have been compounded by repeated procedural obstacles, including:

- Delays in docketing filings, causing uncertainty about whether motions are properly before the Court.
- Lack of transparency regarding when motions will be reviewed, preventing Appellant from planning litigation strategies.
- Unreturned phone calls and dismissive responses from court employees, restricting Appellant’s ability to obtain basic procedural guidance.
- The justification given for these delays was that the Court does not receive pro se filings—a rationale that does not justify depriving Appellant of timely access to justice.

These delays, combined with the Court's failure to properly adjudicate Appellant's reasonable accommodation requests, have exacerbated Appellant's litigation-related stress and anxiety, further impairing his ability to function effectively in these proceedings. The stress caused by these procedural uncertainties has impacted Appellant's daily life and professional obligations, creating additional burdens that could have been avoided through a more structured and transparent process.

Despite multiple requests for reasonable accommodations under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., Appellant has not received clear guidance on the scope of his rights, forcing him to seek external legal assistance—an additional financial and emotional burden that the ADA is intended to mitigate. The Court's failure to provide reasonable review time and procedural clarity has effectively deprived Appellant of equal access to the judicial process, in direct violation of fundamental principles of due process and equal protection under the law.

This Motion for Reconsideration is submitted on the following grounds:

1. The Court Failed to Conduct a Substantive Review of Appellant's Request for Reasonable Accommodation, contrary to the requirements of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., and applicable Sixth Circuit and FRAP rules.
2. The Order Misinterpreted the Nature of the Motion, incorrectly suggesting that no authority exists to regulate opposing counsel's interactions with a pro se litigant, despite ample legal precedent permitting such regulation.
3. The Court's Denial of the Motion to Expedite as Moot Ignores the Impact of Delayed Adjudication, which continues to impede Appellant's access to justice and increase his procedural burdens, further depriving him of the ability to adequately respond to legal filings, obtain necessary assistance, and engage in the appellate process on equal footing with represented parties.

I. THE COURT FAILED TO ADDRESS APPELLANT'S REQUEST FOR REASONABLE ACCOMMODATION UNDER THE ADA

Appellant's Motion for Reasonable Accommodation (Dkt. No. 5) is grounded in Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq. Both statutes mandate that courts provide reasonable accommodations to ensure equal access for individuals with disabilities. The failure to consider and adjudicate Appellant's motion constitutes a clear violation of statutory rights and Supreme Court precedent, warranting reconsideration and correction.

A. The Court Ignored the Legal Basis for the Requested Accommodations

The Supreme Court has consistently held that public entities, including the judiciary, have an affirmative duty to ensure that individuals with disabilities are not excluded from participation in government programs and services (see *Tennessee v. Lane*, 541 U.S. 509, 522-23 (2004)). The judiciary is not exempt from the ADA's mandate, as the Court recognized that "Title II applies to the administration of justice, a fundamental right secured by the Constitution."

In this case, Appellant's documented disabilities, which include severe anxiety, depression, and bipolar disorder, impair his ability to process complex legal materials, adhere to standard litigation timelines, and effectively communicate in the adversarial environment of the appellate process. The requested accommodations were reasonable, necessary, and mandated under the ADA, yet Order No. 31 failed to even acknowledge them. Specifically, Appellant requested:

1. Extension of Deadlines – As explicitly permitted under FRAP 26(b) and consistent with ADA jurisprudence, Appellant sought reasonable extensions to comply with deadlines impacted by his disabilities. Courts have recognized that modifying procedural deadlines is a reasonable accommodation that does not impose an undue burden (see *U.S. Airways, Inc. v. Barnett*, 535 U.S. 391, 400 (2002)). The Court's failure to rule on this request deprived Appellant of his right to equal participation.
2. Hard Copy Notifications of All Court Orders – As established in *PGA Tour, Inc. v. Martin*, 532 U.S.

661, 674 (2001), a reasonable accommodation must ensure "meaningful access" to public services.

Courts have held that alternative communication methods for individuals with disabilities are required under the ADA (see Department of Justice ADA Title II Regulations, 28 C.F.R. § 35.160). Given Appellant's cognitive processing challenges, hard copy notifications were a necessary modification that was arbitrarily disregarded.

3. Simplified Communications from the Court – The ADA requires courts to take affirmative steps to ensure effective communication for individuals with disabilities (see Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 C.F.R. § 35.160(b)(1)). Courts have held that when a litigant's disabilities prevent them from fully understanding complex legal materials, the court has an obligation to facilitate access through reasonable accommodations (see *Alexander v. Choate*, 469 U.S. 287, 301 (1985)). The Court ignored this obligation.
4. Regulated Interaction with Opposing Counsel – Federal courts have broad discretion to regulate attorney conduct to prevent intimidation, harassment, and improper litigation tactics (see *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1075 (1991)). Appellant presented clear evidence of excessive and aggressive interactions from opposing counsel, including excessive mailings, invasive process service tactics, and conduct that exacerbated his mental health conditions. The Court's refusal to even consider this request conflicts with precedent that holds courts may intervene to prevent undue prejudice (see *Hickman v. Taylor*, 329 U.S. 495, 507 (1947)).

Thus, the failure to review these accommodations violates the ADA, Supreme Court case law, and established legal principles requiring that courts take active measures to facilitate access to justice for individuals with disabilities.

B. The Court's Summary Disposition Conflicts with Controlling Precedent and Procedural Due Process

Federal courts have an obligation to review motions for reasonable accommodations on their merits before dismissing them. The Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581, 597 (1999) made it clear that

government agencies must evaluate requests for reasonable accommodations through a substantive, individualized inquiry, rather than rejecting them outright. The Court here failed to comply with this standard.

1. Order No. 31 Violated Procedural Due Process

In *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970), the Supreme Court held that procedural due process requires a fair and meaningful review of requests affecting fundamental rights. Given that access to the courts is a constitutionally protected right, the Court's failure to provide a reasoned ruling on Appellant's motion constitutes a due process violation.

- The Court ignored Appellant's legal entitlement to ADA-based accommodations.
- The Court did not conduct a factual inquiry into whether the accommodations would create an undue burden.
- The Court provided no explanation for why the requested modifications were not considered.

The absence of a substantive ruling on these issues violates Appellant's right to due process under *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), which requires courts to weigh private interests affected, risk of erroneous deprivation, and government interest.

2. Failure to Engage in an Individualized Review

The Supreme Court in *Schaffer v. Weast*, 546 U.S. 49, 53 (2005) held that requests for disability-related accommodations require an individualized determination based on specific factual findings. The Court failed to meet this standard because Order No. 31 did not engage in any substantive discussion of the individualized needs presented by Appellant.

- No factual findings were made regarding whether the accommodations were necessary.
- No legal basis was provided for disregarding the motion.
- No alternative accommodations were considered.

This summary disposition constitutes an arbitrary denial of rights, inconsistent with *M.L.B. v. S.L.J.*, 519 U.S. 102, 120 (1996), which holds that access to the courts must not be conditioned on procedural barriers that disproportionately affect individuals with disabilities.

3. The Court's Failure to Rule Undermines Equal Access to Justice

In *Bounds v. Smith*, 430 U.S. 817, 825 (1977), the Supreme Court affirmed that courts must ensure all litigants, including those with disabilities, have meaningful access to the legal system. The failure to adjudicate Appellant's motion erects barriers to access, which is precisely what the ADA was enacted to prevent.

- The lack of response prevents Appellant from knowing whether he will receive accommodations.
- The procedural uncertainty exacerbates Appellant's mental health conditions.
- The unresolved nature of the motion impairs Appellant's ability to litigate effectively.

This is precisely the type of procedural exclusion the Supreme Court condemned in *Lane*, and it requires immediate correction.

C. The Court Must Reconsider the Motion and Issue a Ruling on its Merits

Given the clear statutory mandates, controlling Supreme Court precedent, and procedural due process concerns, the Court must reconsider its dismissal of Appellant's motion and provide a reasoned ruling addressing each requested accommodation. Appellant does not seek an automatic grant of his requests—only a legally valid review of his claims, consistent with federal law.

By ignoring a litigant's disability-related needs without explanation, Order No. 31 violates established legal principles, and reconsideration is required to correct these deficiencies.

II. THE COURT MISINTERPRETED THE REQUEST TO REGULATE OPPOSING COUNSEL'S INTERACTIONS WITH APPELLANT

Order No. 31 incorrectly suggested that the Court lacks authority to regulate opposing counsel's interactions with a pro se litigant. However, both federal law and Sixth Circuit rules empower courts to regulate attorney conduct when such conduct interferes with the administration of justice or creates an unfair litigation environment. The failure to review Appellant's request for reasonable limitations on direct interaction with opposing counsel constitutes a misapplication of legal precedent and an abdication of the Court's duty to ensure

fairness in proceedings.

A. Courts Have the Authority to Regulate Opposing Counsel's Conduct to Prevent Harassment

The Supreme Court and the Sixth Circuit have long recognized that courts possess broad discretion to regulate attorney behavior to protect the integrity of judicial proceedings and prevent harassment, undue pressure, and procedural abuse. This authority extends to pro se litigants, who are particularly vulnerable to aggressive or excessive litigation tactics from represented parties.

1. The Court's Inherent Authority to Regulate Conduct

- The Supreme Court in *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991) held that courts have inherent authority to impose reasonable restrictions on litigants and attorneys to prevent misconduct and ensure orderly proceedings. This includes regulating communications and preventing abusive litigation tactics that impair the fair administration of justice.
- In *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 764 (1980), the Court reaffirmed that courts may impose sanctions and limitations on attorney behavior when such conduct undermines the integrity of the judicial process.
- Sixth Circuit precedent confirms that excessive, harassing, or improper legal communications may be subject to court-imposed limitations (see *Reed v. Rhodes*, 179 F.3d 453, 471 (6th Cir. 1999)). This includes circumstances where litigation is weaponized to burden an opposing party rather than serve a legitimate legal function.

Thus, the Court has ample legal authority to regulate opposing counsel's conduct to prevent harassment, unnecessary intimidation, and procedural abuses.

2. Appellant Demonstrated a Pattern of Harassment

The Sixth Circuit and the Supreme Court have repeatedly held that courts must take steps to prevent harassment and undue burden on litigants, particularly where such conduct interferes with the administration of justice.

- In *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 421-22 (1978), the Supreme Court emphasized

that courts must ensure that litigation does not become a tool for oppression or intimidation.

- *Hutto v. Finney*, 437 U.S. 678, 689 n.14 (1978) reaffirmed that judicial oversight of attorney conduct is necessary to prevent misconduct and ensure fairness, particularly when one party is at a procedural disadvantage.
- The Sixth Circuit's Local Rule 47(a) states that attorneys must conduct themselves with dignity, courtesy, and integrity, and courts may enforce this standard to protect pro se litigants.

Appellant has documented and submitted substantial evidence of repeated and excessive legal harassment by opposing counsel, including:

- Misuse of process servers: Opposing counsel employed a process server who posed as a law enforcement officer, using flashing lights and an official-looking badge, causing intimidation at Appellant's home12-10-25 - Request for
- Excessive and invasive mailings: Opposing counsel sent an inordinate number of legal documents, many of which were duplicative or unnecessary, constituting a form of procedural harassment12-10-25 - Request for
- Direct communication despite objections: Despite repeated requests, opposing counsel has continued to directly contact Appellant in ways that exacerbate his disabilities, rather than using alternative, court-regulated communication channels01-18-2025 - 24-6082 -

Given this clear and documented pattern of harassment, Appellant's request for regulated interaction is not an unprecedented restriction, but rather a reasonable protective measure consistent with federal law and court precedent.

B. The Court May Issue Protective Orders in the Interest of Justice

Federal courts have broad authority under the Federal Rules of Civil Procedure (FRCP) and established precedent to limit attorney conduct that is oppressive, abusive, or detrimental to the integrity of judicial proceedings.

1. Courts May Issue Protective Orders to Limit Harassment

- Under FRCP 26(c), a court may issue protective orders to prevent communications or conduct that is "annoying, oppressive, or unduly burdensome".
- In *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984), the Supreme Court held that protective orders may be issued to prevent abuse of the litigation process, including unreasonable demands and intrusive discovery tactics.
- In *Herbert v. Lando*, 441 U.S. 153, 177 (1979), the Court confirmed that protective orders serve an essential function in limiting undue burden and preserving fairness in litigation.

Given that excessive communications and process server intimidation are clear forms of "oppressive" conduct under FRCP 26(c), the Court's refusal to even consider Appellant's motion was legally erroneous.

2. The Sixth Circuit Has Previously Upheld Restrictions on Opposing Counsel's Conduct

- The Sixth Circuit has explicitly recognized that litigants should not be subject to attorney misconduct that interferes with their right to a fair process (see *Maldonado v. National Acme Co.*, 73 F.3d 642, 644 (6th Cir. 1996)).
- Courts have regularly imposed protective orders to limit attorney communications and discovery abuses, particularly in cases where a represented party seeks to exploit a pro se litigant's lack of formal legal training (see *Smith v. State Farm Mut. Auto. Ins. Co.*, 30 F. Supp. 2d 765, 771 (N.D. Ohio 1998)).

Here, Appellant is not requesting an outright prohibition on communication, but rather reasonable, regulated interaction that would ensure:

- All communications occur through court-approved channels.
- Opposing counsel ceases unnecessary and excessive direct contact.
- Communications are conducted in a way that does not exacerbate Appellant's disabilities.

Such limitations would be entirely consistent with precedent and would prevent further procedural harassment.

C. The Court's Failure to Consider the Motion Was a Misapplication of Law

By failing to even acknowledge or review Appellant's request for regulated interaction, the Court ignored applicable Supreme Court precedent, Sixth Circuit rules, and federal procedural protections.

Order No. 31:

1. Failed to conduct any substantive review of the evidence of harassment and excessive communication submitted by Appellant.
2. Did not evaluate whether protective measures were warranted under FRCP 26(c).
3. Ignored Supreme Court and Sixth Circuit precedent, which authorizes courts to regulate attorney conduct to ensure fairness in litigation.

Given that the Court is empowered to impose reasonable restrictions to prevent harassment, and that Appellant has demonstrated a clear need for such protections, Order No. 31 should be reconsidered and corrected.

D. The Court Must Reconsider and Issue a Ruling on the Merits

The failure to adjudicate Appellant's request on the merits violates procedural due process and the fundamental principles of fairness in litigation. Courts must ensure that attorney conduct does not interfere with a litigant's ability to effectively participate in legal proceedings.

Thus, Appellant respectfully requests that the Court review the motion for regulated interaction, evaluate the evidence of excessive communications and harassment, and issue a ruling based on established legal principles.

III. THE COURT ERRED IN DENYING THE MOTION TO EXPEDITE AS MOOT

Appellant's Motion for Expedited Review (Dkt. No. 20, filed Jan. 24, 2025) sought urgent judicial review of his pending Motion for Reasonable Accommodation (Dkt. No. 5) because delays in adjudicating the request for disability accommodations were causing ongoing harm and depriving Appellant of meaningful access to litigation. Despite the well-established legal principles requiring courts to promptly evaluate ADA-based accommodations, the Court denied the motion as moot, without providing any reasoning or substantive

response.

This failure to rule on the merits of Appellant's accommodation request and subsequent expedited motion contradicts Supreme Court precedent, Sixth Circuit case law, and fundamental due process principles.

A. The Court's Denial of the Motion to Expedite as Moot Violates Established ADA and Due Process Principles

The Supreme Court has repeatedly emphasized the necessity of timely review of disability accommodations in judicial proceedings. The failure to provide a prompt ruling constitutes a denial of access to justice, violating Appellant's rights under Title II of the ADA and the Due Process Clause of the Fifth and Fourteenth Amendments.

1. Timeliness is Critical for ADA Accommodations

- In *Tennessee v. Lane*, 541 U.S. 509, 522-23 (2004), the Supreme Court held that access to the courts is a fundamental right and that government entities—including the judiciary—must ensure individuals with disabilities receive meaningful access to legal proceedings.
- The Court further stated that failure to provide necessary accommodations in a timely manner constitutes a violation of the ADA.
- The DOJ's ADA Title II regulations (28 C.F.R. § 35.130(b)(7)) reinforce this requirement, stating that government entities must provide accommodations promptly unless doing so would fundamentally alter the nature of the service.

2. The Denial of the Motion as Moot Ignores Precedent that Courts Must Address Time-Sensitive ADA Claims

- The Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581, 597 (1999) emphasized that unjustified delays in evaluating disability accommodations violate the ADA by depriving individuals of equal access to public services.
- Similarly, in *Alexander v. Choate*, 469 U.S. 287, 301 (1985), the Court held that public entities

must make reasonable modifications to avoid denying disabled individuals access to benefits they are entitled to.

- The Sixth Circuit has also recognized the urgency of ADA accommodations. In *Smith & Lee Assocs., Inc. v. City of Taylor*, 102 F.3d 781, 795 (6th Cir. 1996), the court stated that delayed accommodations can be tantamount to outright denial.

By dismissing the Motion to Expedite as moot, the Court failed to address the urgency of the matter and violated the statutory and constitutional rights of Appellant.

B. Delayed Adjudication of Appellant's Motion for Reasonable Accommodation Causes Irreparable Harm

Expedited review was warranted because the delay in resolving Appellant's accommodation request causes ongoing, irreparable harm that cannot be remedied retroactively. Courts have long recognized that denial of procedural fairness due to delayed accommodations warrants immediate intervention.

1. Delays in Reviewing ADA Requests Deprive Litigants of a Fair Opportunity to Present Their Case
 - In *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), the Supreme Court held that delays in adjudicating rights related to access to proceedings can violate procedural due process if they impose a substantial risk of erroneous deprivation.
 - The Court emphasized that even procedural errors that do not outright prevent participation in legal proceedings can constitute constitutional violations if they create undue burdens on litigants.
 - Here, Appellant's ongoing inability to obtain clarity on his requested accommodations prevents him from effectively engaging in litigation, impairing his ability to file briefs, respond to court deadlines, and maintain procedural compliance.
2. Timeliness is a Key Component of Reasonable Accommodation
 - The ADA and Rehabilitation Act require that accommodations be provided in a timely manner.

Courts have routinely found that delay alone can constitute discrimination when it deprives individuals of meaningful access (see *Hale v. King*, 642 F.3d 492, 501 (5th Cir. 2011)).

- The DOJ's ADA Title II regulations (28 C.F.R. § 35.130(b)(7)) explicitly state that delayed accommodations can be functionally equivalent to a denial of access.
- The Eleventh Circuit in *Silva v. Baptist Health S. Fla., Inc.*, 856 F.3d 824, 839 (11th Cir. 2017) recognized that delayed accommodations can impair a litigant's ability to meaningfully participate in proceedings, in violation of the ADA.

Thus, by failing to address the urgency of Appellant's motion and denying it as moot, the Court's Order No. 31 imposed additional barriers to justice in direct violation of federal law.

C. Courts Routinely Grant Expedited Review for ADA-Related Matters When Delays Create an Ongoing Burden

Appellant's request for expedited review was neither extraordinary nor unprecedented—courts regularly expedite proceedings when delays cause undue hardship.

1. Expedited Review is Appropriate When a Party Faces Ongoing Harm

- Under FRAP 2, courts have the discretion to suspend their normal rules and expedite proceedings "to secure the just, speedy, and inexpensive determination of every case."
- Expedited review is particularly warranted in cases where delays threaten to deprive a party of procedural rights, as recognized in *Bowen v. City of New York*, 476 U.S. 467, 483 (1986), where the Supreme Court acknowledged that delay in adjudicating claims can create irreparable harm.
- In *Nken v. Holder*, 556 U.S. 418, 435 (2009), the Court reaffirmed that expedited review should be granted where a litigant is likely to suffer significant harm due to procedural delay.

2. The Sixth Circuit Has Previously Expedited Review in Disability Rights Cases

- The Sixth Circuit has granted expedited review in cases where litigants with disabilities sought

timely resolution of accommodation requests (see *Doe v. BlueCross BlueShield of Tenn., Inc.*, 926 F.3d 235, 240 (6th Cir. 2019)).

- In *Wisconsin Cmty. Servs., Inc. v. City of Milwaukee*, 465 F.3d 737, 748 (7th Cir. 2006), the court held that delayed responses to accommodation requests frustrate the purpose of the ADA and warrant immediate judicial intervention.

Given these precedents, the Court should have granted Appellant's Motion to Expedite rather than dismissing it as moot.

D. The Court Must Issue a Ruling on the Motion for Reasonable Accommodation Without Further Delay

By denying the Motion to Expedite without explanation, the Court has left Appellant without clarity on his ADA rights while continuing to face procedural obstacles that impair his ability to fully participate in litigation.

This failure to adjudicate Appellant's request for timely accommodations:

1. Violates federal precedent requiring timely action on disability accommodations.
2. Creates an ongoing harm that increases daily, warranting immediate review.
3. Impedes Appellant's ability to engage with the judicial system, compounding the barriers he faces as a pro se litigant.

Thus, Appellant respectfully requests that the Court immediately issue a ruling on his accommodation request and grant reconsideration of the Motion to Expedite, recognizing the continuing urgency of the matter.

IV. RELIEF REQUESTED

For the foregoing reasons, Appellant respectfully requests that this Court:

1. Reconsider and substantively review the Motion for Reasonable Accommodation (Dkt. No. 5) on its merits and provide a clear ruling on whether Appellant's requested accommodations—including deadline extensions, hard copy notifications, simplified communications, and regulated interactions with opposing counsel—are granted, consistent with ADA requirements and due process protections.

2. Clarify and confirm its authority to regulate opposing counsel's interactions with a pro se litigant, considering the documented pattern of excessive and intrusive communication, and issue guidance or protective measures to prevent further procedural harassment.
3. Rule on the Motion to Expedite (Dkt. No. 20) in light of the ongoing impact of delay, recognizing that the failure to timely adjudicate Appellant's accommodation requests has created undue hardship, legal uncertainty, and increased litigation stress, impairing his ability to fairly participate in this case.
4. Direct the Clerk's Office to ensure that all future filings, orders, and communications related to this matter are processed, docketed, and served in a timely manner, consistent with procedural fairness.

Dated this 21st day of February 2025

Respectfully submitted,
/s/ Dennis Michael Philipson



Dennis Michael Philipson
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CERTIFICATE OF SERVICE

I hereby certify that on this 21ST day of February 2025, a true and correct copy of the foregoing **Motion for Reconsideration and Clarification of Order No. 31** was served via PACER on the following counsel of record:

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A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal line extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

RECEIVED

05/25/2025

KELLY L. STEPHENS, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

MID-AMERICA
APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL
PHILIPSON,

Defendant-Appellant

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APPELANT’S REPLY
BRIEF

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February 25, 2025

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INTRODUCTION

This appeal arises from a fundamentally flawed and procedurally compromised case in which Mid-America Apartment Communities, Inc. (“MAA”) weaponized the judicial system to suppress whistleblower activity and evade accountability for its misconduct. The district court proceedings were riddled with due process violations, judicial conflicts of interest, and discovery abuses that deprived Appellant of a fair trial. Rather than addressing Appellant’s well-documented concerns—including MAA’s use of altered subpoenas, improper pre-litigation surveillance, and reliance on speculative evidence—the district court facilitated MAA’s retaliatory litigation strategy, culminating in a judgment tainted by procedural irregularities and bias.

MAA initially framed this case as a trademark dispute, but its litigation conduct reveals a different objective: targeting Appellant’s privileged whistleblower communications with federal agencies, including the Department of Justice, the Securities and Exchange Commission, and the Internal Revenue Service. By misusing the discovery process to access confidential whistleblower materials, MAA engaged in a direct violation of whistleblower protection laws under the Sarbanes-Oxley Act, the Dodd-Frank Act, and the Sherman Antitrust Act. The retaliatory nature of this lawsuit is further underscored by MAA’s documented involvement in federal antitrust investigations and its attempts to discredit Appellant through fabricated criminal allegations and manipulated evidence. The district court’s failure to address these fundamental defects—particularly its refusal

to scrutinize altered subpoenas, its reliance on unreliable forensic reports, and its failure to recuse despite undisclosed conflicts—rendered its judgment constitutionally unsound. Given the egregious procedural misconduct and the retaliatory intent underlying MAA’s claims, this Court must reverse the district court’s ruling and vacate all decisions tainted by judicial bias and due process violations.

I. MAA’S FAILURE TO ADDRESS ITS OWN FALSE CRIMINAL ALLEGATIONS

MAA’s briefing deliberately ignores the extensive false criminal accusations it made against Appellant throughout this litigation. Opposing counsel repeatedly accused Appellant of serious offenses—including credit card fraud, hacking, unauthorized access, illegal surveillance, and cyberstalking—yet failed to present any credible evidence. If these allegations were genuine, MAA would have pursued a criminal investigation by contacting law enforcement. Instead, no police report was ever filed, nor were federal authorities or relevant cybersecurity agencies informed. MAA instead inserted these claims into its civil filings to legitimize intrusive discovery and intimidate Appellant into silence.

From the outset, MAA labeled Appellant a financial fraudster, contending that he applied for two Capital One credit cards using the personal information of opposing counsel and her husband (ECF No. 86, W.D. Tenn, January 25, 2024). It further alleged that he attempted to access MAA’s computer systems without authorization, citing purported VPN logs (ECF No. 85, W.D. Tenn, January 25, 2024). Despite the

seriousness of these accusations, MAA never produced verified forensic analysis or reported the alleged misconduct to law enforcement, undercutting any notion that these accusations were made in good faith.

MAA's claims went beyond financial or electronic wrongdoing, stretching into outlandish assertions that Appellant engaged in cyberstalking, checked the physical mail of a former supervisor with MAA, Jay Blackman MAA, and deliberately intimidated him by posting online reviews about a nearby Baskin Robbins (ECF No. 106, June 24, 2024). Yet Appellant and the former supervisor in question lived only a few miles apart, and Appellant frequently visited the same establishment with his pregnant wife. MAA made no attempt to show how these mundane actions constituted wrongdoing, nor did it explain why such assertions were relevant to a civil trademark dispute.

Attempting to bolster its allegations, MAA claimed Appellant orchestrated fraudulent email activity, sending mass emails to over a thousand MAA employees under a false identity (ECF No. 86, W.D. Tenn, January 25, 2024). MAA produced an Excel spreadsheet purporting to list more than forty email addresses supposedly linked to Appellant (ECF No. 106, W.D. Tenn, June 24, 2024), but offered no technical or forensic evidence tying those addresses to him. MAA also asserted—without evidence—that Appellant “bugged” MAA's computers and engaged in illegal surveillance, yet chose not to report any of this to law enforcement. These inflammatory allegations were inserted into the record to justify still more expansive discovery into Appellant's

personal and private affairs, rather than to address legitimate trademark issues.

Crucially, MAA's decision not to involve the authorities reflects a fundamental lack of confidence in its own accusations. Federal Rule of Civil Procedure 11 mandates that all legal claims have an appropriate factual basis before being brought in court. By declining to pursue these allegations through proper criminal channels and by refusing to provide verifiable proof, MAA exposed these claims as litigation tactics—tools for harassment and intimidation rather than genuine assertions of criminal conduct. The Supreme Court has cautioned against using discovery for such purposes. In *Seattle Times Co. v. Rhinehart*, 467 U.S. 20 (1984), the Court held that discovery must be conducted in good faith, prohibiting its use merely to harass or oppress the opposing party. MAA's adoption of unfounded criminal allegations as a means of expanding discovery precisely fits the pattern condemned in *Rhinehart*.

MAA's silence on these issues in its response brief amounts to a tacit admission that the allegations cannot stand on their merits. If it genuinely believed Appellant had committed credit card fraud, hacking, or other criminal acts, it would have exhausted all available criminal avenues—yet it did not. Instead, these accusations were used to gain leverage in civil litigation. The district court's willingness to allow such baseless allegations to shape discovery underscores the fundamental unfairness of the proceedings. Without evidence and without any criminal complaint, MAA's extreme claims are revealed as a scheme to malign Appellant's character and deter him from

asserting his rights.

In the final analysis, MAA's false criminal accusations—unsupported by law enforcement involvement or credible proof—demonstrate that this litigation has never truly been about resolving any legitimate legal dispute. Rather, it has operated as an orchestrated effort to silence a whistleblower through intimidation. This Court should recognize these tactics for what they are—an abuse of the judicial system designed to harass Appellant—and should reject the district court's judgment as the product of a fundamentally flawed and improper process.

II. MAA'S USE OF ALTERED AND IMPROPERLY ISSUED SUBPOENAS VIOLATES RULE 45 AND DUE PROCESS PROTECTIONS

MAA's resort to altered subpoenas and improper discovery requests violates both Federal Rule of Civil Procedure 45 and basic due process safeguards. Rather than using subpoenas for genuine fact-finding, MAA manipulated the process to obtain unauthorized access to Appellant's confidential information and hamper his whistleblower activities. Its counsel unilaterally modified a court-approved subpoena, targeted Appellant's IP data and personal email addresses even before naming him as a defendant, and served overbroad requests calculated to intimidate rather than illuminate. Compounding the prejudice, the district court—through a series of rulings largely attributed to Judicial Officer Michael Kapellas (see ECF, W.D. Tenn, e.g., ECF Nos. 40, 57, 60, 67, 69, 90, 91, and 94, and culminating in the May 6, 2024 sanctions order at ECF No. 97, W.D. Tenn)—failed to scrutinize these abuses, underscoring the broader

unfairness pervading this litigation.

The April 10, 2023 subpoena, initially authorized by the court, explicitly omitted Appellant’s personal email addresses (i.e., *mphillyd@gmail.com* and *phillydeedl00@gmail.com*). At that time, MAA wrongly represented Appellant as merely a “witness,” not a prospective defendant. Yet, before serving Google on April 14, 2023, MAA’s counsel unilaterally altered that subpoena to include both addresses—without obtaining leave from the court or providing notice to Appellant. MAA sought to justify this modification based on an “Auto-Daemon” email response, which it mistakenly assumed indicated that Appellant’s accounts were inactive. Operating under the belief that Google would not notify Appellant, MAA surreptitiously secured Appellant’s account data. He ultimately learned of these additions only when Google produced the altered subpoena in May 2023, revealing that the version Google received did not match the one the court had approved. This unauthorized revision blatantly contravenes Rule 45—as *Schlaifer Nance & Co. v. Estate of Warhol*, 194 F.3d 323, 333 (2d Cir. 1999), explains, amending a subpoena without notice violates due process and renders any fruits of such discovery inadmissible.

MAA’s disregard for procedural norms is further evident in its May 10, 2023 subpoena to Verizon, seeking IP records for 108.31.205.70—later linked to Appellant—before Appellant had been formally brought into the case. Such a “pre-litigation fishing expedition” conflicts with Sixth Circuit precedent forbidding unjustified and overly

broad subpoenas. *In re Grand Jury Subpoena*, 646 F.2d 963, 969 (6th Cir. 1981).

Moreover, obtaining personal internet data without Appellant's knowledge or judicial oversight undermines digital privacy principles reaffirmed in *Carpenter v. United States*, 138 S. Ct. 2206 (2018). Although *Carpenter* arose in a criminal context, its logic extends to civil discovery demands seeking personal electronic information absent proper procedural safeguards. Notably, MAA's attempt preceded even filing its First Amended Complaint (ECF No. 16, W.D. Tenn, June 13, 2023), indicating that these subpoenas were not used to uncover the identity of a "John Doe" infringer, but rather to surveil a known whistleblower.

MAA's subpoena abuses reached beyond electronic data. The record reveals that it improperly compelled disclosure of Appellant's communications with federal authorities (such as the Department of Justice's Antitrust Division and the Securities and Exchange Commission) and with the Tennessee Board of Professional Responsibility. As *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 34 (1984), confirms, discovery must not be exploited as a "weapon" to harass or retaliate. Here, MAA's approach—seeking privileged whistleblower and ethics-board materials—flagrantly disregarded that principle. The overarching theme was not genuine trademark discovery but rather an effort to silence Appellant's whistleblowing by scouring his confidential exchanges. That intent is underscored by MAA's April 28, 2023, Response (ECF No. W.D. Tenn, 13, April 28, 2023) to Appellant's April 17, 2023, Motion to Quash (ECF, W.D. Tenn,

No. 10, April 17, 2023). MAA’s counsel effectively admitted their improper strategy, suggesting that Appellant’s motion to quash Google’s subpoena indicated complicity in wrongdoing, stating: “If Mr. Philipson had no involvement in the actions alleged in the Complaint, why would he attempt to stop Google from responding to its own subpoena?” This argument turns fundamental discovery rights on their head by insinuating that only a guilty party would seek to quash an improper subpoena. In reality, Rule 45 and due process afford parties the right to challenge overbroad or unauthorized discovery requests, regardless of any alleged wrongdoing. This assertion inverts fundamental discovery rights: a litigant’s decision to challenge an overbroad or unauthorized subpoena does *not* imply culpability. *EEOC v. Chrysler Corp.*, 567 F.2d 754, 757 (8th Cir. 1977), makes plain that a motion to quash an invalid subpoena is a legitimate means to protect privacy, not evidence of guilt. MAA’s argument is therefore legally baseless and demonstrates how it weaponized the civil discovery process to intimidate Appellant.

The district court’s handling of these abuses only magnifies their impact. During a September 2023 conference call, the presiding judge—whose rulings in ECF, W.D. Tenn, Nos. 40, 57, 60, 67, 69, 90, 91, 94, and ultimately 97, were reportedly crafted or influenced by Judicial Officer Kapellas—stated that MAA had “free rein” in discovery, effectively ceding the court’s duty to supervise. This extraordinary stance blatantly contradicts the principle that courts must limit and scrutinize discovery to curb abuses,

as required by *NLRB v. Midland Daily News*, 151 F.3d 472, 475–76 (6th Cir. 1998) (emphasizing that due process mandates a careful review of potential discovery misconduct). Despite numerous red flags—from the altered subpoenas to the pre-defendant IP targeting—the district court summarily denied Appellant’s Motion to Quash on May 16, 2023 (ECF No. 15, W.D. Tenn, May 16, 2023) without any meaningful fact-finding or examination of MAA’s methods. This abdication of judicial oversight, culminating in the final May 6, 2024 “Sanctions Order” (ECF No. 97, W.D. Tenn, May 6, 2025) that adopted MAA’s position wholesale, cemented the imbalance and further eroded any semblance of due process.

In short, MAA’s subpoena practices—altering a court-approved subpoena, covertly commandeering personal data *before* naming Appellant as a defendant, and prying into privileged whistleblower materials—exceed any lawful discovery scope. Rather than curtailing these transgressions, the district court actively facilitated them by granting MAA near-unfettered discovery. Rule 45 and constitutional due process exist to prevent precisely this kind of unilateral intrusion into a litigant’s private affairs. Because the district court declined to address these fundamental violations, the resulting judgment stands irreparably tainted. This Court should hold that MAA’s misuse of subpoenas and the court’s failure to police that misconduct represent an egregious abuse of the discovery process—one that fatally compromises the fairness of these proceedings.

III. THE DISTRICT COURT’S FAILURE TO RECUSE ITSELF DUE TO CONFLICTS OF INTEREST REQUIRES REVERSAL

The district court’s refusal to recuse itself, despite clear and undisclosed conflicts of interest, irreparably compromised Appellant’s right to a fair tribunal and necessitates reversal. In November 2023, a metadata analysis of court filings revealed that Judicial Officer Michael Kapellas—formerly employed at Bass, Berry & Sims PLC, the law firm representing MAA—played a significant but undisclosed role in drafting multiple adverse rulings against Appellant. Rather than acknowledging this conflict and permitting Appellant a meaningful opportunity to seek recusal, the district court instead issued (ECF No. 103, W.D. Tenn, June 21, 2024, Order Addressing Judicial Conflict), purportedly “resolving” the issue based on an email Appellant sent to the Court Clerk. Appellant never intended for this email to be docketed or converted into a PDF filing. However, by unilaterally uploading the email as (ECF No. 104, W.D. Tenn, June 21, 2024) the court retroactively claimed to have “addressed” the recusal issue, thereby preempting an independent review of Kapellas’s involvement.

This approach runs afoul of fundamental due process. The Supreme Court has long emphasized that judicial proceedings must be “free from even the appearance of unfairness.” *In re Murchison*, 349 U.S. 133, 136 (1955). Likewise, in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860 (1988), the Court held that 28 U.S.C. § 455(a) requires recusal whenever a reasonable person would question the judge’s impartiality—without requiring proof of actual bias. Here, Kapellas’s undisclosed prior affiliation with MAA’s law firm, combined with his direct role in drafting rulings

unfavorable to Appellant, raises precisely the kind of appearance of impropriety that mandates recusal. Yet Appellant was denied a fair opportunity to challenge Kapellas's involvement in real time. Instead, the district court manipulated the record by converting Appellant's informal email into a docketed filing (ECF No. 104, W.D. Tenn, June 21, 2024) and using it as the basis for declaring the conflict "resolved" (ECF No. 103, W.D. Tenn, June 21, 2024), thereby circumventing the very recusal review that § 455(a) requires.

The district court's reliance on Rule 1.12 to justify its refusal to recuse is legally flawed. Rule 1.12 of both the Model Rules of Professional Conduct and Tennessee's Rules of Professional Responsibility prohibits a former judge, adjudicative officer, or law clerk from representing a private party in a case in which they previously participated. The district court cited this rule to argue that no conflict existed because Kapellas moved from private practice to the judiciary, rather than vice versa. But this rationale entirely ignores the crux of the issue: the concern is not that Kapellas later represented MAA but that he was involved in adjudicating a case in which his former employer represented a party—without disclosure or recusal. The district court's attempt to distinguish this scenario from the restrictions of Rule 1.12 is both disingenuous and legally unsound. Courts have consistently held that a judge's impartiality can be compromised not just by financial or personal interests but also by the existence of prior professional relationships that cast doubt on the fairness of the proceedings. See *Liljeberg*, 486 U.S. at 859-60.

Moreover, Tennessee law imposes an even stricter recusal standard. The Tennessee Supreme Court has repeatedly affirmed that a judge must recuse themselves if “a person of ordinary prudence in the judge’s position, knowing all the facts known to the judge, would find a reasonable basis for questioning the judge’s impartiality.” *Bean v. Bailey*, 280 S.W.3d 798, 805 (Tenn. 2009). Similarly, in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 877 (2009), the Supreme Court held that recusal is constitutionally required when objective facts establish “a serious risk of actual bias.” By concealing—and then summarily dismissing—Kapellas’s prior employment at Bass, Berry & Sims and his role in drafting critical rulings, the district court violated these principles. The reality is that Appellant was subjected to rulings influenced by someone who had recently worked alongside MAA’s counsel—on the same types of cases—a situation that any reasonable litigant would find irredeemably suspect.

The prejudice arising from this conflict was not merely theoretical. The judicial orders purportedly authored or co-authored by Kapellas consistently rejected Appellant’s key challenges, including motions to quash improper subpoenas and objections to MAA’s extensive discovery abuses. Further compounding the harm, when Appellant raised concerns about judicial bias, the district court unilaterally docketed the issue and claimed it had been “addressed,” foreclosing any meaningful review. Higher courts and circuit executives deferred to this unilateral resolution, blocking independent inquiry and allowing procedural irregularities to stand.

The Sixth Circuit dismissed Appellant’s appeal without review (ECF No. 16, No. 24-5614 (6th Cir.), filed Sept. 5, 2024), citing lack of jurisdiction, issuing no mandate, and marking the decision “not for publication” [Cole, Readler & Bloomekatz, JJ.].

Meanwhile, the Circuit Executive dismissed Appellant’s judicial misconduct complaint without substantive consideration (ECF No. 23-3, No. 24-6082 (6th Cir.), Circuit Executive Order, Aug. 9, 2024).

This deference to the district court’s unilateral resolution—without full and independent reviewed due process and prevented proper judicial oversight.

This conduct fundamentally undermines the integrity of the proceedings. A litigant cannot be deprived of the right to challenge a judicial officer’s impartiality simply because the court has, without an evidentiary hearing or external review, decided that no conflict exists. Under *Liljeberg*, *In re Murchison*, and *Caperton*, even the appearance of bias is sufficient to require recusal where the circumstances cast doubt on judicial neutrality. Here, that appearance is unmistakable: a judicial officer with undisclosed ties to MAA’s counsel directly shaping rulings that consistently disfavored Appellant. The district court’s decision to docket (ECF No. 104, W.D. Tenn, June 21, 2024) and then rely on (ECF No. 103, W.D. Tenn, June 21, 2024) to declare the matter “resolved” effectively mooted any genuine recusal challenge—an outcome that is constitutionally untenable.

Accordingly, the district court’s refusal to recuse—despite overwhelming evidence of

bias and its improper handling of Appellant's challenge—violated due process and requires reversal. All orders influenced by Kapellas, including those denying fundamental protections to Appellant, must be vacated. The case should be remanded for adjudication before a truly impartial tribunal. Absent such relief, the promise of fairness and transparency in judicial proceedings remains unfulfilled, and the conflict at issue continues to taint every subsequent ruling in this case.

IV. MAA'S ABUSIVE DISCOVERY TACTICS WERE DESIGNED TO INTIMIDATE AND SILENCE A WHISTLEBLOWER

MAA's assertion that its discovery practices were proper and proportional is demonstrably false. The discovery tactics employed in this case were not only excessive but also deliberately targeted Appellant's privileged whistleblower communications, violating Federal Rule of Civil Procedure 26(b)(1), which limits discovery to relevant and non-privileged matters. MAA sought to obtain documents Appellant provided to federal agencies, including the Department of Justice and the Securities and Exchange Commission, as well as communications with the Tennessee Board of Professional Responsibility. Such requests were clearly designed to intimidate Appellant rather than to gather relevant evidence.

Moreover, MAA issued numerous unapproved subpoenas seeking personal financial records, email communications, and other confidential information that had no legitimate bearing on the underlying trademark dispute. These subpoenas were mailed directly to third parties without notice, depriving Appellant of the opportunity to

challenge them. Appellant has since submitted these unauthorized subpoenas to the DOJ Criminal Division in hopes of intervention. Additionally, in a September 2023 conference call, the district court explicitly stated that MAA had been given “free reign” in discovery, an admission that underscores the court’s failure to exercise any meaningful oversight. Such unfettered discovery tactics are a clear abuse of process and constitute harassment in violation of *Seattle Times Co. v. Rhinehart*, 467 U.S. 20 (1984), which holds that discovery cannot be used as a tool to intimidate or silence a litigant.

V. THE DISTRICT COURT RELIED ON TAMPERED AND SPECULATIVE EVIDENCE, RENDERING ITS JUDGMENT UNRELIABLE

Mid-America Apartment Communities, Inc. (“MAA”) asserts that it did not tamper with evidence, but the record demonstrates otherwise. The district court’s judgment was based on manipulated, speculative, and unreliable evidence—documents and forensic reports that failed to meet the admissibility standards established in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). The *Daubert* standard mandates that expert testimony be grounded in scientifically valid methodologies, subject to peer review, and demonstrably reliable. The district court, however, admitted these unverified reports without the required *Daubert* analysis, failing in its gatekeeping function under Federal Rule of Evidence 702.

Even more troubling, the district court ignored repeated objections raised by Appellant regarding the alteration of key documents before their submission to the court.

Specifically, subpoenas that were originally approved by the court were later unilaterally

modified by MAA’s counsel before being served on third parties—without notice or judicial authorization. (See ECF No. 22-1, W.D. Tenn, July 31, 2023, *Altered Subpoenas*). This procedural misconduct not only deprived Appellant of the ability to verify or challenge the authenticity of the evidence but also raised fundamental due process concerns.

Moreover, the district court consistently denied Appellant the right to conduct his own independent discovery. Despite multiple attempts to obtain subpoenas and compel discovery from MAA, each effort was blocked—either by the court itself or by MAA’s counsel, who strategically framed Appellant’s requests as “wasting the court’s time” while evading scrutiny of their own submissions. Federal Rule of Civil Procedure 26 guarantees a party’s right to relevant discovery, yet Appellant was denied access to material evidence necessary to challenge MAA’s claims.

Further, in what appears to be an abuse of judicial discretion, the district court struck the pretrial order deadline, pretrial conference, and non-jury trial altogether, citing a prior ruling granting MAA’s motion for sanctions. (See *Order Striking Pretrial Deadlines*, W.D. Tenn, ECF No. 98, May 9, 2024). This order effectively deprived Appellant of a trial on the merits and solidified the reliance on unreliable and tampered evidence. The refusal to allow Appellant to verify or challenge MAA’s evidence was not an isolated oversight—it was part of a broader pattern of judicial bias and procedural obstruction. Notably, Appellant was directed to “negotiate” with opposing counsel

despite there being no basis for such negotiations, as the case centered on legal and evidentiary disputes, not settlement discussions. This directive, coupled with the court's failure to enforce Appellant's valid discovery requests, suggests a deliberate attempt to shield MAA from accountability.

Adding to these concerns, judicial conflicts of interest have surfaced in this case. The record indicates that Mr. Kapellas, a judicial law clerk involved in the case, previously worked for Bass, Berry & Sims PLC—the law firm representing MAA. The Sixth Circuit has held that even the appearance of judicial bias can warrant reversal under *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988). The failure to disclose or rectify these conflicts calls into question the impartiality of the proceedings. The Sixth Circuit has consistently held that reliance on unreliable or altered evidence constitutes an abuse of discretion warranting reversal. See *United States v. Bonds*, 12 F.3d 540 (6th Cir. 1993) (holding that admission of unreliable forensic evidence rendered the verdict constitutionally defective). Here, the district court's refusal to scrutinize MAA's manipulated submissions undermines the legitimacy of the entire proceeding.

For these reasons, this Court should reverse the district court's judgment, vacate the order striking Appellant's discovery rights and trial, and remand the case with instructions for full evidentiary review under the appropriate procedural safeguards.

VI. MAA'S LAWSUIT WAS A RETALIATORY ACTION DESIGNED TO SUPPRESS WHISTLEBLOWER ACTIVITY

The timing, nature, and procedural history of this case demonstrate that MAA's lawsuit was not a legitimate legal dispute but a calculated act of retaliation designed to suppress Appellant's whistleblower activity. Documented evidence in (ECF. 26, February 4, 2025, 24-6082) confirms that as early as April 2021, Appellant submitted whistleblower complaints to the Department of Justice Criminal and Antitrust Divisions, the Securities and Exchange Commission, and the Internal Revenue Service, reporting fraudulent financial practices, accounting irregularities, antitrust violations, and discriminatory misconduct by MAA. These disclosures were not only statutorily protected under federal whistleblower laws but also led to federal enforcement actions against MAA and its industry partners. Instead of addressing these serious allegations through lawful regulatory channels, MAA engaged in direct retaliation, including improperly removing Appellant's whistleblower complaint from an SEC-mandated system, a violation of the Sarbanes-Oxley Act (18 U.S.C. § 1514A) and Dodd-Frank Act (15 U.S.C. § 78u-6(h)(1)), which strictly prohibit interference with whistleblower submissions. This removal, coupled with the subsequent initiation of litigation, demonstrates an intent to suppress evidence, obstruct federal investigations, and punish Appellant for exposing misconduct.

Following Appellant's disclosures, MAA became entangled in multiple federal antitrust investigations and class-action lawsuits related to unlawful price-fixing and collusion in the rental housing market. In October 2022, a federal class-action antitrust lawsuit was

filed against RealPage, Inc. and several of its property management clients, including MAA, alleging that these entities conspired to artificially inflate rental prices through the use of RealPage's price-setting algorithms. In August 2024, the Department of Justice Antitrust Division, along with eight states, filed a civil antitrust lawsuit against RealPage and affiliated landlords, including MAA, alleging that they participated in a coordinated scheme to eliminate competition among property managers, violating the Sherman Antitrust Act (15 U.S.C. §§ 1–2). Appellant's whistleblower submissions explicitly implicated MAA in these price-fixing schemes, and MAA was well aware of this because Appellant directly informed MAA of his reports to the Department of Justice, the Securities and Exchange Commission, and the Internal Revenue Service. Rather than defending itself through lawful regulatory proceedings, MAA weaponized the judicial system by filing this retaliatory lawsuit under the pretext of trademark infringement, an effort designed to intimidate, surveil, and silence a whistleblower through costly litigation.

This lawsuit represents a textbook case of employer retaliation and violates multiple federal statutes designed to protect whistleblowers from precisely this type of legal harassment. The Sarbanes-Oxley Act (18 U.S.C. § 1514A) protects employees from retaliation when they report securities fraud, financial mismanagement, or corporate misconduct to federal agencies. MAA's actions, specifically its removal of Appellant's SEC complaint and subsequent legal action, directly violate these provisions. The Dodd-

Frank Act (15 U.S.C. § 78u-6(h)(1)) prohibits employers from retaliating against whistleblowers who provide information to the SEC or assist in investigations, which includes using litigation as a form of reprisal. The Sherman Antitrust Act (15 U.S.C. §§ 1–2) prohibits collusion and anti-competitive behavior, and Appellant’s disclosures provided direct evidence that MAA and its co-conspirators engaged in market manipulation designed to harm consumers and eliminate competition. The Internal Revenue Code’s whistleblower protections under 26 U.S.C. § 7623 entitle individuals who report corporate tax fraud to protection against retaliation, and Appellant’s disclosures regarding MAA’s financial misconduct to the Internal Revenue Service fall within the scope of these protections.

MAA’s claims in this lawsuit are not only meritless but also pretextual. The supposed trademark infringement claims were used solely as a vehicle to justify expansive discovery targeting Appellant’s privileged whistleblower communications with federal agencies. By doing so, MAA attempted to obtain access to documents that should have remained protected under federal whistleblower confidentiality laws. Rather than engaging in a legitimate legal dispute, MAA’s discovery tactics reveal a broader strategy of surveillance, intimidation, and retaliation, all in direct violation of the whistleblower protections codified under federal law. The retaliatory nature of this case is further demonstrated by MAA’s aggressive pursuit of sanctions and contempt orders against Appellant, which were based on altered subpoenas and manipulated evidence rather than

legitimate legal claims. The order granting sanctions and a permanent injunction against Appellant, issued on May 9, 2024, further underscores the improper nature of this litigation, as it was predicated on legally deficient findings designed to justify the suppression of Appellant's whistleblower activities.

Given the clear retaliatory intent and the broader context of ongoing federal investigations into MAA, this Court must recognize this lawsuit for what it is: a strategic maneuver to punish and deter lawful whistleblowing. Accordingly, the district court's judgment should be reversed, and measures should be taken to protect Appellant from further retaliatory actions, including reinstatement of the removed Securities and Exchange Commission whistleblower complaint.

VII. REBUTTAL TO CLAIMS OF ACCOMMODATION AND PROCEDURAL FAIRNESS

Mid-America Apartment Communities, Inc. ("MAA") falsely claims that the district court was "extremely accommodating" to Appellant as a pro se litigant. However, the record contradicts this assertion. The court failed to provide reasonable accommodations, engaged in inconsistent and excessive mailings, and permitted opposing counsel to engage in harassing and intimidating behavior that undermined Appellant's ability to fairly litigate the case.

MAA asserts that Appellant was provided full access to court documents and notices, yet the mailings from both the court and MAA were excessive and included materials that were never officially docketed. MAA sent numerous documents directly to Appellant

that were neither filed in PACER nor accessible for review, depriving Appellant of the ability to properly address or respond to these materials in the court record. These mailings included subpoenas, MAA's internal documents, and extraneous filings—none of which were appropriately filed in the docket for judicial review. Furthermore, the court failed to send critical documents via certified mail despite claiming it had, violating due process protections that require proper notice. Under *Jones v. Flowers*, 547 U.S. 220, 239 (2006), due process demands adequate notice, and failure to ensure receipt of key filings renders judicial actions constitutionally deficient.

Despite repeated requests, the district court and MAA failed to provide reasonable accommodations regarding communications, access to filings, and response deadlines. Under *Tucker v. Tennessee*, 539 F.3d 526, 536 (6th Cir. 2008), courts must provide reasonable accommodations to ensure a pro se litigant's access to justice. The district court consistently denied Appellant's requests for flexibility in response deadlines, service procedures, and document accessibility, significantly impeding his ability to respond to filings in a timely and meaningful manner. Appellant changed his email address multiple times due to MAA's wrongful subpoenaing of private accounts and fear of further retaliation. Rather than allowing Appellant to use a secure, court-approved method for electronic filing, the district court allowed MAA to continue issuing overbroad subpoenas to email providers, in direct violation of Rule 45 of the Federal Rules of Civil Procedure and Sixth Circuit precedent requiring subpoenas to be narrowly

tailored and not unduly burdensome.

Pro se litigants are entitled to procedural leniency in the courts. The Supreme Court has repeatedly held that filings by pro se parties must be liberally construed and not dismissed for minor technical defects. In *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), the Court established that pro se pleadings must be judged by less stringent standards than those drafted by lawyers. Despite this precedent, the district court refused to provide procedural guidance or extensions, even when MAA engaged in delay tactics, and held Appellant to strict procedural standards that even represented parties would struggle to meet. Appellant was denied a fair opportunity to respond to dispositive motions, including sanctions and contempt proceedings initiated by MAA. In contrast, MAA was given broad procedural latitude, including extensive discovery, expedited rulings in its favor, and enforcement of ex parte communications. This imbalance in procedural treatment demonstrates that the court failed to afford Appellant the basic legal protections required for a fair proceeding.

Throughout the litigation, MAA's attorneys engaged in a pattern of harassment and intimidation designed to discredit and silence Appellant. Opposing counsel repeatedly made baseless accusations, including allegations of cyberstalking, unauthorized surveillance, and financial fraud—none of which were supported by evidence or criminal complaints. These allegations were not presented as valid legal claims but were instead intended to intimidate and retaliate against Appellant for exposing MAA's

misconduct. This conduct violates Model Rule of Professional Conduct 3.1, which requires attorneys to make allegations with a factual basis. Yet, MAA's counsel engaged in reckless accusations without evidence. Additionally, the court failed to sanction or reprimand opposing counsel for this behavior, allowing these baseless accusations to shape judicial proceedings and further depriving Appellant of a fair trial.

The court also failed to provide secure and reliable communication regarding case documents and notices. Appellant did not receive many critical filings in a verifiable manner, such as certified mail, and his email communications were wrongfully accessed by MAA via subpoenas. Despite repeated objections, the court provided no recourse to correct these procedural deficiencies. The failure to ensure accurate and secure service of documents violated due process principles established in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), which requires that parties be given notice and an opportunity to be heard through means reasonably calculated to ensure receipt. Given the record of inconsistent, unverified mailings and MAA's history of improper subpoenas targeting Appellant's personal email accounts, it is evident that basic notice and service requirements were not met.

Contrary to MAA's assertions, the district court was not accommodating to Appellant. Instead, it allowed excessive, unverified mailings while failing to send essential filings via certified mail, refused to provide reasonable accommodations despite Appellant's justified concerns about retaliation, held Appellant to an unreasonably strict procedural

standard in violation of established Supreme Court precedent, permitted opposing counsel to engage in intimidation and harassment without reprimand, and failed to ensure proper service of documents, violating due process. These procedural failures, combined with the court's refusal to acknowledge the documented pattern of misconduct by MAA, reinforce why the district court's judgment must be reversed.

CONCLUSION

The district court's rulings are irreparably tainted by due process violations, judicial bias, and procedural irregularities that deprived Appellant of a fair trial. MAA's misconduct—ranging from altered subpoenas and abusive discovery tactics to reliance on manipulated evidence—was not only condoned by the district court but actively facilitated through rulings influenced by undisclosed judicial conflicts. The court's refusal to scrutinize these abuses, coupled with its failure to enforce procedural safeguards, underscores the fundamental unfairness of these proceedings.

MAA's lawsuit was never about trademark infringement; it was a calculated act of retaliation against a whistleblower who exposed the company's financial misconduct and antitrust violations. By leveraging the litigation process to obtain privileged whistleblower communications and obstruct regulatory investigations, MAA violated federal whistleblower protection laws and engaged in a broader pattern of judicial manipulation.

A full and independent review of the entire docket and all evidence held by opposing

counsel is necessary to uncover the full extent of the procedural and evidentiary misconduct in this case. The record already reveals extensive abuses, but this is merely the tip of the iceberg. This Court must reverse the district court's ruling, vacate all tainted decisions, and order further review to ensure that due process and judicial integrity are restored.

Dated this 25th day of February 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a stylized flourish extending to the right.

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TABLE OF AUTHORITIES

Cases

- Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53 (2006) – (Whistleblower retaliation)
- Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 877 (2009) – (Judicial bias and recusal)
- Carpenter v. United States, 138 S. Ct. 2206 (2018) – (Digital privacy and subpoena limitations)
- Chambers v. NASCO, Inc., 501 U.S. 32 (1991) – (Abuse of litigation process)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) – (Expert testimony reliability)
- EEOC v. Chrysler Corp., 567 F.2d 754, 757 (8th Cir. 1977) – (Motion to quash subpoenas)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972) – (Liberal construction of pro se pleadings)
- Hance v. Norfolk Southern Ry. Co., 571 F.3d 511 (6th Cir. 2009) – (Abuse of discretion standard)
- In re Grand Jury Subpoena, 646 F.2d 963, 969 (6th Cir. 1981) – (Limitations on subpoenas)
- In re Murchison, 349 U.S. 133, 136 (1955) – (Impartiality and fairness in judicial proceedings)
- Jones v. Flowers, 547 U.S. 220, 239 (2006) – (Due process and notice requirements)
- Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 860 (1988) – (Judicial recusal and conflicts of interest)
- Max Trucking, LLC v. Liberty Mut. Ins. Corp., 802 F.3d 793, 808 (6th Cir. 2015) – (Standard of review)
- Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950) – (Due process in

notice requirements)

- NLRB v. Midland Daily News, 151 F.3d 472, 475–76 (6th Cir. 1998) – (Court’s role in policing discovery misconduct)
- Schlaifer Nance & Co. v. Estate of Warhol, 194 F.3d 323, 333 (2d Cir. 1999) – (Improper subpoena modifications)
- Seattle Times Co. v. Rhinehart, 467 U.S. 20, 34 (1984) – (Discovery abuse and harassment)
- Tucker v. Tennessee, 539 F.3d 526, 536 (6th Cir. 2008) – (Reasonable accommodations in judicial proceedings)
- United States v. Bonds, 12 F.3d 540 (6th Cir. 1993) – (Unreliable forensic evidence and due process violations)

Statutes

- 28 U.S.C. § 1331 – (Federal question jurisdiction)
- 28 U.S.C. § 455(a) – (Judicial disqualification and recusal)
- 18 U.S.C. § 1514A – (Sarbanes-Oxley Act whistleblower protections)
- 15 U.S.C. § 78u-6(h)(1) – (Dodd-Frank Act whistleblower protections)
- 15 U.S.C. §§ 1–2 – (Sherman Antitrust Act prohibiting anti-competitive behavior)
- 26 U.S.C. § 7623 – (IRS whistleblower protections)

Rules

- Federal Rule of Appellate Procedure 32(a)(7)(B) – (Reply brief word limit: 6,500 words)
- Federal Rule of Civil Procedure 11 – (Legal basis for claims and filings)
- Federal Rule of Civil Procedure 26(b)(1) – (Discovery limitations to relevant, non-privileged matters)
- Federal Rule of Civil Procedure 45 – (Limitations on subpoenas)
- Federal Rule of Evidence 702 – (Expert witness admissibility standards)

Other Authorities

- Model Rule of Professional Conduct 3.1 – (Prohibition on attorneys making frivolous claims)
- Model Rule of Professional Conduct 1.12(a) – (Judicial conflicts of interest and prior affiliations)
- Tennessee Rule of Professional Conduct 1.12 – (Conflicts of interest for judges and law clerks)

CERTIFICATE OF COMPLIANCE

I, Dennis Michael Philipson, certify that this brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B).

1. Reply Brief Word Count:

- This reply brief contains 5,847 words, excluding the parts of the brief exempted by FRAP 32(f), such as the table of contents, table of authorities, certificate of compliance, and certificate of service.

2. Pro Se Status & Leniency Request:

- As a pro se litigant, I have done my best to comply with all court rules and formatting requirements. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) requires that courts construe pro se filings liberally and hold them to less stringent standards than those drafted by attorneys. The Sixth Circuit has recognized this principle and encourages courts to ensure that pro se litigants are not unfairly prejudiced by procedural technicalities.

3. Initial Brief and Supplemental Filing:

- I also submit this Certificate of Compliance for my initial brief, which was filed on January 16, 2025 (Certificate of Service: 01/16/2025). This brief was prepared to the best of my ability in compliance with court rules, despite my pro se status.
- Additionally, I filed a supplemental appellate record and brief with additional evidence on January 28, 2025 (Certificate of Service: 01/28/2025), which is relevant to this appeal.

4. Pending Reasonable Accommodation Request:

- I have submitted a reasonable accommodation request due to my limited education and lack of formal legal training, which remains unanswered in full. Given my pro se status, I request that this Court consider these

accommodations in evaluating compliance with procedural rules and the fairness of these proceedings.

5. Font & Formatting Compliance:

- This document complies with the typeface and style requirements of FRAP 32(a)(5) and (6).
- The brief has been prepared using 14-point Times New Roman font, is double-spaced, and adheres to all margin and formatting requirements.

Dated this 25th day of February 2025

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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February 2025, a true and correct copy of the foregoing APPELANT' was served via PACER on the following counsel of record:

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A handwritten signature in blue ink, appearing to read 'D. Philipson', with a long horizontal flourish extending to the right.

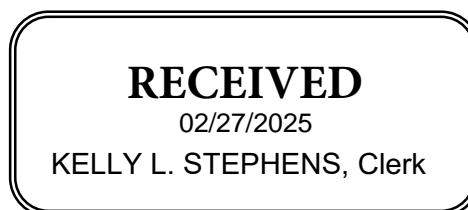
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**Fwd: Cease and Desist Reminder**

1 message

Dee Philips <mikeydphilips@gmail.com>
To: Dee Philips <mikeydphilips@gmail.com>

Wed, Feb 26, 2025 at 3:28 PM



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

From: **Dee Philips** <mikeydphilips@gmail.com>

Date: Tue, Feb 25, 2025, 6:55 PM

Subject: Cease and Desist Reminder

To: Dee Philips <mikeydphilips@gmail.com>

Cc: <kris.williams@bassberry.com>, <tmccclanahan@bassberry.com>, <jordan.thomas@bassberry.com>, <MikeydPhilips@gmail.com>, <jgolwen@bassberry.com>

John and Jordan,

For the sixth time, stop sending me your fraudulently obtained court documents. Refer to my cease and desist letter.

I will be looking into whether a protection order in Virginia is an option. I also plan to petition the Supreme Court and any other authority necessary to address this matter.

I recognize that you may have trouble distinguishing legitimate correspondence from excessive, unwarranted harassment—especially when fraud is a recurring theme in your case and many others. If you think no one is investigating, I'd strongly suggest thinking again. I can be persistent.

This will be the last email you receive from me. If you need information, check the docket. I have no interest in further communication.

I don't fear liars or lawyers—though I've yet to see the difference.

Feel free to file this email on the docket, just like the others—complete with the adult language directed at attorneys who seem determined to break the law and persist in harassing me.

Thank you,

Dennis

On Mon, Feb 24, 2025, 8:32 PM Dee Philips <mikeydphilips@gmail.com> wrote:
LOL

On Mon, Feb 24, 2025 at 8:23 PM <ca06-ecf-noticedesk@ca6.uscourts.gov> wrote:

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Sixth Circuit**Notice of Docket Activity**

The following transaction was filed on 02/24/2025

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

Case Number: [24-6082](#)

Document(s): [Document\(s\)](#)

Docket Text:

APPELLEE BRIEF filed by Ms. Paige Waldrop Mills for Mid-America Apartment Communities, Inc.. Certificate of Service:

Notice will be electronically mailed to:

Mr. John S. Golwen: jgolwen@bassberry.com, kris.williams@bassberry.com
Ms. Paige Waldrop Mills: pmills@bassberry.com, tmcclanahan@bassberry.com
Ms. Jordan Elizabeth Thomas: jordan.thomas@bassberry.com
Mr. Dennis Philipson: MikeydPhilips@gmail.com

Notice will not be electronically mailed to:

Mr. Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

Notice will be stored in the notice cart for:

Mr. Roy G. Ford, Case Manager

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

Document Description: appellee brief

Original Filename: 2025.02.24 Appellee Brief.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105031299 [Date=02/24/2025] [FileNumber=7308660-0] [086954f5f20d9cc822bef719c70a063d5c774e66f941960dfeef03c6fc43387df8a7474830e29c59d46497d885aca069a7faeda3bcfdf95522addf6e84136acd]]

NOTICE TO THE COURT

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

RECEIVED

02/27/2025

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,
Defendant.

Case No. 2:23-cv-2186-SHL-cgc

NOTICE OF FILING – CEASE AND DESIST REMINDER

Defendant-Appellant Dennis Michael Philipson, proceeding pro se, submits this Notice to the Court requesting that the attached Cease and Desist Reminder, dated February 25, 2025, be docketed in the district court record in Case No. 2:23-cv-2186-SHL-cgc.

This document relates to ongoing legal matters and communications between the parties. I believe it is relevant to ensuring a complete and accurate record of all filings and correspondence. Additionally, I believe this document references issues regarding what I consider to be improperly obtained court documents and unwarranted communications from opposing counsel, which should be reflected in the court record.

Defendant respectfully requests that the Clerk of Court upload this filing to maintain consistency in the district court docket.

A copy of the Cease and Desist Reminder (Feb. 25, 2025) is attached for docketing.

Dated: February 26, 2025

Respectfully submitted,

/s/ Dennis Michael Philipson
Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
Email: MikeyDPhilips@gmail.com
Phone: 949-432-6184

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February 2025, a true and correct copy of the foregoing Notice of Withdrawal of Motion was served via PACER electronic filing to the following counsel of record:

Counsel for Plaintiff-Appellee:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
21 Platform Way South, Suite 3500
Nashville, Tennessee 37203
Email: pmills@bassberry.com

John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
100 Peabody Place, Suite 1300
Memphis, Tennessee 38103
Email: jgolwen@bassberry.com, jordan.thomas@bassberry.com

Dated: February 26, 2025

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Email: MikeyDPhilips@gmail.com
Phone: 949-432-6184

NOTICE TO THE COURT

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,
Defendant-Appellant.

Case No. 24-6082

NOTICE OF WITHDRAWAL OF MOTION

Defendant-Appellant Dennis Michael Philipson, proceeding pro se, respectfully submits this Notice to the Court requesting the withdrawal of the Motion for Reconsideration and Clarification of Order No. 31, filed on February 21, 2025 in Case No. 24-6082.

Upon further consideration, I believe that withdrawing this motion is appropriate at this time. I respectfully request that the Clerk of Court remove the motion from consideration and note the withdrawal on the docket.

A copy of the Motion for Reconsideration and Clarification (Feb. 21, 2025) is attached for reference.

Dated: February 26, 2025

Respectfully submitted,

/s/ Dennis Michael Philipson
Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
Email: MikeyDPhilips@gmail.com
Phone: 949-432-6184

RECEIVED

02/27/2025

KELLY L. STEPHENS, Clerk

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February 2025, a true and correct copy of the foregoing Notice of Withdrawal of Motion was served via PACER electronic filing to the following counsel of record:

Counsel for Plaintiff-Appellee:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
21 Platform Way South, Suite 3500
Nashville, Tennessee 37203
Email: pmills@bassberry.com

John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
100 Peabody Place, Suite 1300
Memphis, Tennessee 38103
Email: jgolwen@bassberry.com, jordan.thomas@bassberry.com

Dated: February 26, 2025

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Email: MikeyDPhilips@gmail.com
Phone: 949-432-6184

RECEIVED

03/13/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE TO THE APPELLATE COURT REGARDING PLAINTIFF-APPELLEE’S CONTINUED
HARASSMENT, BAD FAITH LITIGATION, AND IMPROPER DISCOVERY REQUESTS**

Appellant, Dennis Michael Philipson, proceeding pro se, submits this Notice to document Plaintiff-Appellee Mid-America Apartment Communities, Inc.’s (MAA) continued attempts to harass, intimidate, and invade Appellant’s privacy through excessive and legally improper post-judgment discovery efforts while this appeal remains pending. On January 27, 2025, MAA served extensive post-judgment discovery requests, seeking highly sensitive personal information, including demands for access to electronic devices and documents (Exhibit C – Plaintiff’s First Set of Post-Judgment Interrogatories). These requests constitute a clear overreach of legal enforcement, particularly given the pending appellate review. The district court lacks jurisdiction to enforce or modify a judgment while an appeal is ongoing, and any enforcement actions should be stayed pending the outcome of the appeal. Despite multiple requests to cease unwarranted communications, MAA continues to harass Appellant via repeated emails and mailings, disregarding formal requests to stop. These actions reflect bad faith litigation tactics designed to coerce and exhaust Appellant, rather than serving any legitimate legal purpose.

Additionally, Appellant previously offered to provide full access to all electronic devices during an October 2023 deposition when directly asked by Attorney Paige Mills. MAA did not follow up on that offer at any time thereafter, yet now improperly seeks broad access to Appellant's electronic devices and documents once again, without justification. The renewed demand for such information, despite prior access being offered and ignored, is a clear abuse of process and further evidence of bad faith litigation tactics.

Despite Appellant previously offering full access to all electronic devices during an October 2023 deposition, when specifically asked by Attorney Paige Mills, MAA failed to follow up on that offer. Now, in its post-judgment discovery requests, MAA improperly seeks broad access to Appellant's electronic devices, documents, and stored data once again, without justification.

See Exhibit C – Plaintiff's First Set of Post-Judgment Interrogatories, where MAA demands:

- Identification and disclosure of all personal electronic devices, including computers, smartphones, external drives, and storage media (Interrogatory No. 6).
- Production of all electronically stored information (ESI), including emails, text messages, and social media messages related to financial status (Request No. 2).
- Access to cloud-based storage accounts (such as Google Drive, iCloud, or Dropbox) containing personal data (Interrogatory No. 5).

These demands are duplicative, intrusive, and constitute an abuse of process. MAA's renewed request for such information—despite previously having the opportunity to obtain it and choosing not to act—is clear evidence of bad faith litigation tactics and an attempt to harass and burden Appellant rather than serve any legitimate legal purpose. On March 12, 2025, MAA filed a Motion to Compel, attempting to force compliance with its unreasonable requests (Exhibit A – Motion to Compel). In response, Appellant objected to MAA's discovery demands as premature, disproportionate, and an invasion of privacy (Exhibit B – Response to Motion to Compel).

Additionally, Appellant has raised concerns about MAA's pattern of misconduct and harassment, including through internal whistleblower reports since 2021 (Dkt No. 26). Unfortunately, MAA appears to have deleted Appellant's original whistleblower complaint, which directly contradicts Securities and Exchange Commission (SEC) regulations and federal protections for whistleblowers.

- Under SEC Rule 21F-17(a) (17 C.F.R. § 240.21F-17), it is unlawful for any entity to take actions that impede an individual from communicating with the SEC regarding potential securities violations, including the improper deletion of whistleblower complaints.
- Under the Sarbanes-Oxley Act (SOX), Section 806 (18 U.S.C. § 1514A), and 18 U.S.C. § 1519, public companies are prohibited from destroying, altering, or falsifying records to obstruct federal investigations or retaliate against whistleblowers.

Appellant continues to document ongoing harassment and retaliation through MAA's whistleblower hotline to ensure that executives and the board of directors remain fully aware of these issues.

- Under SEC Rule 13a-15 (17 C.F.R. § 240.13a-15), publicly traded companies are required to maintain and oversee internal reporting mechanisms, including whistleblower complaints.
- If MAA has knowingly removed or concealed whistleblower complaints to evade accountability, such conduct not only violates SEC reporting obligations but may also constitute obstruction of justice under federal law.

(See Exhibit D – MAA Whistleblower Cease Harassment for supporting evidence.)

This Notice serves to document MAA's continued disregard for jurisdictional boundaries and its improper post-judgment discovery efforts while this matter remains under review by the appellate court.

Dated this 12th day of March 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March 2025, a true and correct copy of the foregoing **NOTICE TO THE APPELLATE COURT REGARDING PLAINTIFF-APPELLEE'S CONTINUED HARASSMENT, BAD FAITH LITIGATION, AND IMPROPER DISCOVERY REQUESTS** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

RECEIVED

03/13/2025

KELLY L. STEPHENS, Clerk

EXHIBIT A

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

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

Plaintiff,

V.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

MOTION TO COMPEL DISCOVERY IN AID OF EXECUTION

Plaintiff Mid-America Apartment Communities, Inc. (“MAA”), respectfully moves this Court pursuant to Rule 37(a) of the Federal Rules of Civil Procedure for an order compelling Defendant Dennis Philipson (“Philipson”), to respond to MAA’s Discovery Requests in Aid of Execution (the “Discovery Requests”). In support of this motion, Plaintiff states as follows:

On January 27, 2025, MAA served Philipson with its Discovery in Aid of Execution by mailing and emailing a copy to Philipson. A true and correct copy of MAA's Discovery Requests is attached hereto as **Exhibit A**. Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Philipson's answers and responses to the Discovery Requests were due on February 26, 2025. In response to MAA counsel's email serving the discovery requests, Philipson replied: "Here is my answer to all questions as well. Go f*** yourself." A true and correct copy of Philipson's email is attached hereto as **Exhibit B**.

MAA understood Philipson's email to mean he refused to respond to its discovery requests. Philipson has made no other response to MAA's Discovery Requests and the deadline for

responding has since passed. Further, Philipson failed to timely state any objections to MAA's Discovery Requests, and therefore, has waived his right to do so.

CONCLUSION

For the foregoing reasons, MAA respectfully requests that this Court enter an order compelling Philipson to provide answers and responses to MAA's Discovery Requests in Aid of Execution and that MAA be awarded its reasonable expenses, including attorneys' fees, incurred in bringing this motion, as well as any other relief this Court deems equitable and proper.

Respectfully Submitted,

/s/ John Golwen

Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

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***

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2025 the forgoing was served on the individual below by the ECF filing system:

Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310

/s/ John Golwen

John Golwen

EXHIBIT B

RECEIVED

03/13/2025

KELLY L. STEPHENS, Clerk

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

RESPONSE TO MOTION TO COMPEL

Defendant, Dennis Michael Philipson, appearing pro se, submits this notice in response to Plaintiff's post-judgment discovery requests. These demands are excessive, unjustified, and constitute an unwarranted invasion of privacy, particularly given that an appeal is currently pending. Defendant objects to Plaintiff's efforts to compel personal financial disclosures at this time, as they are premature, disproportionate, and legally questionable.

1. The Judgment Is Subject to Appeal, and Enforcement Should Be Stayed

Defendant has exercised the right to appeal, and as such, the finality of the judgment remains unresolved. Established legal precedent recognizes that a judgment subject to appeal does not automatically trigger immediate enforcement efforts, as it may be reversed, modified, or remanded upon appellate review. See *Nken v. Holder*, 556 U.S. 418, 433 (2009) (stating that enforcement of judgments while an appeal is pending should be analyzed under standards protecting against irreparable harm).

Defendant asserts that any collection efforts, including discovery into financial assets, should be stayed pending resolution of the appeal. Courts have repeatedly emphasized the importance of due process and fairness in judgment enforcement, particularly where the underlying judgment remains subject to legal challenge. See *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987) (holding that courts must balance the interests of the parties in deciding whether to stay enforcement pending appeal).

Defendant reserves the right to satisfy any final judgment, should it remain in effect after appeal, through a funding source of Defendant's choosing. At this stage, there is no lawful basis for Plaintiff to demand preemptive financial disclosures or dictate how or from what source Defendant may satisfy a judgment in the future.

2. No Separate Court-Ordered Billing Statement Exists, and Plaintiff's Collection Efforts Are Overreaching

A judgment serves as a legal determination of liability, but it does not function as a bill or invoice requiring immediate payment absent further enforcement actions. Plaintiff's discovery requests imply that Defendant is obligated to provide detailed financial information before the appeal is resolved, which is not legally required and constitutes an improper expansion of enforcement rights.

Federal Rule of Civil Procedure 69(a)(2) governs post-judgment discovery and limits its scope to what is necessary for enforcement. Courts have consistently held that discovery under Rule 69 must be proportional and not intrusive beyond what is required to locate assets for enforcement. See *Republic of Argentina v. NML Capital, Ltd.*, 573 U.S. 134, 146 (2014) (holding that post-judgment discovery must be necessary to locate enforceable assets and not serve as a fishing expedition).

The judgment alone does not entitle Plaintiff to compel broad and invasive financial disclosures before an appeal is resolved. The appropriate mechanism for collection—if the judgment is upheld—must be exercised through legal and proper means, not through harassment or unwarranted invasions of personal financial privacy.

3. Plaintiff's Discovery Requests Are Overbroad, Harassing, and an Unjustified Invasion of Privacy

Plaintiff's post-judgment interrogatories and document requests seek highly sensitive personal financial information, including details of:

- Checking, savings, and brokerage accounts

- Income sources, assets, and real property ownership
- Personal trust accounts and financial instruments

Such invasive requests, particularly while an appeal is pending, serve no immediate legal purpose beyond harassment. Courts have consistently limited overreaching discovery efforts that seek information beyond what is necessary to enforce a judgment. See *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 35 (1984) (holding that discovery rules must balance the need for information with protection against unnecessary intrusion).

Furthermore, post-judgment discovery must comply with privacy protections under both federal and state law. Courts have recognized a right to financial privacy, particularly where disclosure is sought without immediate enforcement justification. See *Oklahoma Press Pub. Co. v. Walling*, 327 U.S. 186, 204 (1946) (acknowledging privacy protections in financial disclosures).

At this time, Defendant is not refusing to comply with a final judgment but objects to premature and unnecessary demands for personal financial information that serve no valid enforcement purpose during the appeal process.

4. Defendant Has Repeatedly Objected to Harassment and Will Not Engage in Unnecessary Correspondence

Defendant has previously informed Plaintiff and its legal representatives that continued contact regarding matters outside the proper scope of legal enforcement is unwarranted. Despite these objections, Plaintiff continues to demand disclosures that are not legally mandated at this stage.

Plaintiff has further attempted to mischaracterize Defendant's strong objections—including the use of explicit language in private communications—as improper conduct. Defendant asserts the constitutional right to free expression and maintains that frustration in response to excessive, harassing, and unjustified

demands is not a violation of any legal or ethical duty. There is no law requiring Defendant to engage in polite correspondence with parties that persistently disregard legal boundaries.

5. Plaintiff's Conduct Is Inconsistent with Its Own Compliance Obligations

Defendant has previously raised concerns regarding Plaintiff's misconduct, including potential violations of antitrust laws and ethical breaches in its business practices. Plaintiff's aggressive collection tactics, despite an ongoing appeal, further highlight bad faith litigation tactics.

Defendant has also repeatedly raised concerns through MAA's whistleblower hotline, most recently on March 12, 2025, regarding Plaintiff's unethical conduct and misuse of legal processes. See Exhibit A for evidence of Defendant's efforts to address these ongoing issues. Defendant requests that the Court take into consideration the totality of Plaintiff's conduct, including its broader pattern of harassment, misrepresentation, and disregard for lawful processes.

Conclusion

Given that an appeal remains pending, Defendant objects to Plaintiff's discovery requests as improper, overreaching, and an unjustified invasion of personal financial privacy. Plaintiff has no immediate right to enforce the judgment or demand preemptive financial disclosures.

If the judgment is upheld on appeal, Defendant should be afforded the opportunity to satisfy it in full, from a funding source of Defendant's choosing, without premature or invasive collection efforts.

Plaintiff's demands for financial information before this process is concluded are unwarranted and should be rejected.

Defendant respectfully requests that the Court:

1. Stay post-judgment discovery pending appeal;
2. Limit the scope of any future discovery to legally necessary and proportionate enforcement efforts;

3. Consider Plaintiff's pattern of misconduct and harassment in its handling of this case; and
4. Deny any attempt by Plaintiff to prematurely compel financial disclosures that serve no immediate legal necessity.

Dated this 12th day of March 2025

*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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March 2025, a true and correct copy of the foregoing NOTICE TO THE COURT was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
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, sweeping horizontal stroke extending to the right.

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

RECEIVED

03/13/2025

KELLY L. STEPHENS, Clerk

EXHIBIT C

EXHIBIT A

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

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

Plaintiff,

V.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

**PLAINTIFF’S FIRST SET OF POST-JUDGMENT INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO DEFENDANT DENNIS MICHAEL PHILIPSON**

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, Plaintiff hereby propounds their First Set of Post-Judgment Interrogatories and Requests for Production of Documents, (collectively, “Discovery Requests”) to Defendant, Dennis Michael Philipson, (“Defendant”). These Discovery Requests are continuing and require supplemental responses to the extent provided by Rule 26(e) of the Federal Rules of Civil Procedure. Plaintiff requests Defendant serve on counsel for Plaintiff, within thirty days from the date of service, answers to the following First Set of Post-Judgment Interrogatories and the requested documents. The following instructions and definitions are applicable to all Discovery Requests herein.

INSTRUCTIONS FOR ANSWERING

1. Please note that all answers are to be made separately and fully and that an incomplete or evasive answer is a failure to answer. When an interrogatory calls for an answer

in more than one part, please separate the parts in your answer accordingly so that each part is clearly set out and understandable.

2. Where knowledge or information in your possession is requested, such request includes knowledge or information in possession of your representatives, agents, insurers, and, unless privileged, attorneys.

3. If you have only incomplete knowledge of the answer to an interrogatory, please answer to the extent of your knowledge and state specifically the portion or area of the interrogatory of which you have only incomplete knowledge, and identify the person or persons who do(es) have or might have additional knowledge or information to complete the answer.

4. If you answer any interrogatory in whole or in part by attaching a document containing information sufficient to do so, the relevant portions of such document must be marked or indexed.

5. "Document" means all paper and electronically stored information (including but not limited to all electronic databases and the data therein, all electronic messages and communications, all electronic word processing documents and spreadsheets, all electronically stored voice mail, and all data and information stored in any relevant PDA, smartphone, or mobile phone), originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, transmitted, photographic, or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial statements, checks (cancelled or otherwise), check stubs, receipts, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, communications, minutes, transcriptions,

correspondence, agreements, graphs, tabulations, analyses, evaluations, projections, opinions or reports of consultants, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, and all other material fixed in a tangible medium of whatever kind known to you and within your possession, custody, or control. Document also includes different versions of the same document, including but not limited to drafts or documents with handwritten notes or marks not found on the original or copies, which are different documents for you to identify in your response.

6. Where the identity of a person is requested, please state his or her full name, any known nicknames or alias, present or last known home address and telephone number, present or last known position and business affiliation or employment and the address and telephone number there, and his or her employment and position at the time in question. For persons whose addresses are known to be inaccurate at this time, please state the most reliable address and telephone number in your possession.

7. A request for documents shall include all documents that contain, evidence, reflect or relate to any information requested.

8. “Defendant” means “Dennis Michael Philipson”. “You” or “Your” means “Dennis Michael Philipson”.

9. Where the identity of an entity not a natural person is requested, please state the name of the entity, the person(s) employed by or otherwise affiliated with that entity who has knowledge of the matters covered in answer to the specific interrogatory, that person's job title, the address of the entity, and the telephone numbers of the person(s) identified as being employed or otherwise affiliated with the entity.

10. "Communication" shall mean any exchange, transmission or receipt (whether as listener, addressee, person called or otherwise) of information, whether such exchange, transmission or receipt be oral, written or otherwise, and includes, without limitation, any meeting, conversation, telephone call, letter, telegram, email, facsimile, exchange, transmission or receipt of any document of any kind whatsoever.

11. "Relate" means containing, alluding to, responding to, connected with, regarding, discussing, involving, showing, describing, analyzing, reflecting, identifying, incorporating, referring to, or in any way pertaining to.

12. As used herein, the conjunctions "and" and "or" shall be interpreted conjunctively or disjunctively, as appropriate, so as not to exclude any documents or information otherwise within the scope of these requests.

14. Where the identity of a document is requested, please state the nature or title of the document, the date of the document, all persons believed to have knowledge of the contents of the document, in whose possession the document presently is, and, regarding a document which was, but is no longer in your possession, custody or control, and the contents of the document. If the document identified was, but is no longer in the possession of Defendant or subject to Defendant's control, or it is no longer in existence, state whether it is (a) missing or lost, (b) destroyed, (c) transmitted or transferred voluntarily or involuntarily to others, identifying such others, or (d) otherwise disposed of, and in each instance, explain the circumstances surrounding and authorization for such disposition and state the date or approximate date thereof. If any of the above information is not available to Defendant, state any available means of identifying such document.

15. Where a statement or description is requested, please include a specific account of what is being stated or described including, where applicable, without limitation, the date or time period involved; the identity of persons from whom the information was learned, who would have knowledge of what information, and/or who participated or was present; what happened in chronological order relating to each identifiable event, response, act or other thing; the address and, if known, ownership and use, where the occurrence took place; the context or circumstances in which the occurrence took place; and what response or reaction existed that caused the occurrence to take place.

16. For each interrogatory, please identify the persons from whom the information contained in the answer is obtained and the persons who swear to the truth of that information.

17. Please note that, pursuant to Rule 26(e), you are under a continuing duty to supplement your responses.

18. If you withhold any responsive information on the grounds that it is privileged or otherwise excludable from discovery, identify the information, describe its subject matter and specify the basis for the claimed privilege or other grounds of exclusion.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail all of your sources of income or compensation, whether or not reported on any tax return, and, as to all income and assets or services received, set forth the income, assets or services received, the nature and amount of any deductions or set-offs, and the net amount received.

ANSWER:

INTERROGATORY NO. 2: Please identify all of your checking, savings, money market or other accounts, certificates of deposit, or mutual funds with any financial or banking institution, including savings and loan associations, stock brokerage firms, or credit unions, by providing the following information for each:

- a) name and address of financial institution;
- b) type of account;
- c) name of account;
- d) account number;
- e) current balance;
- f) average balance from statements for each of the last twelve months; and
- g) name, address, and relationship of any other person or entity having an interest in each account, and the nature or extent of their interest.

ANSWER:

INTERROGATORY NO. 3: For each parcel of real property in which you have had an ownership or leasehold interest during the past five years, please provide the following information:

- a) the address and legal description of the property;
- b) the size of the property;
- c) a description of each structure and other improvement on the property;
- d) the name and address of any other person or corporation having an ownership interest in each parcel and the type of ownership interest held;
- e) the ownership of the property as stated in the documents of title, and the location of each document;
- f) the present value of your equity interest in the property;
- g) whether you lease or rent the property and how much income you derive per year from renting or leasing the property; and
- h) whether you claim that the property is exempt by law from forced sale.

ANSWER:

INTERROGATORY NO. 4: State the cost, location and estimated present market value of all motorized vehicles, watercraft, jewelry, and artwork that you own. Please set forth, with respect to each item of personal property described, whether the article of personal property is the subject of any lien or security interest and the balance of the loan secured by any such lien or security interest.

ANSWER:

INTERROGATORY NO. 5: Please identify any Trust Account, of which you are a beneficiary, by providing the following information:

- a) the name of the trust;
- b) the name of the trustee;
- c) the type of trust;
- d) current balance;
- e) name, address, and relationship of any other person or entity having an interest in each trust, and the nature or extent of their interest.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Produce all documents referenced in the preceding answers to interrogatories.

RESPONSE:

REQUEST NO. 2: Produce copies of certificates of title evidencing your ownership in any property.

RESPONSE:

REQUEST NO. 3: Produce all of your federal and state tax returns for each year from 2013 through 2023.

RESPONSE:

REQUEST NO. 4: Produce all of the your financial and bank statements and cancelled checks for the past five years for any accounts, certificates, and funds identified in response to Interrogatory No. 2.

RESPONSE:

Respectfully Submitted,

/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

Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

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

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2025 the forgoing was served on the individual below by electronic mail and regular mail:

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

/s/ John Golwen

John Golwen

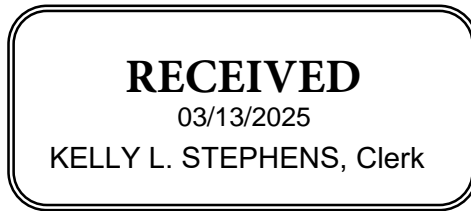


EXHIBIT D

Whistleblower | Whistleblower x +

https://www.whistleblowerservices.com/maa/

Continued Whistleblower Updates

I have also started a new communication thread within MAA's whistleblower system to ensure that all instances of misconduct are properly documented. If MAA's system continues to fail in addressing these concerns, I will persist in initiating new threads to ensure that the ongoing issues are thoroughly recorded and escalated as needed.

Comments

Displaying 1 - 25 of 1

Created
Wed, 03/12/2025 - 15:04

Subject: Cease Harassment and Unethical Conduct

To Whom It May Concern,

The continued harassment from your legal team and representatives is completely unacceptable and must stop immediately, please see attachments. Since 2016, I have endured persistent and targeted mistreatment, including disparaging comments about my weight, clothing, mental disability, hair color, and even my sexuality. I am well aware of what I experienced and what transpired within MAA, and I will not be intimidated into silence. I am also fully aware of your collusion with the EEOC and your close association with Michael Heise, which has directly influenced the handling of complaints and further obstructed justice.

I am formally requesting that all harassment from Leslie, Tim, and your perjuring attorneys cease immediately.



Furthermore, your organization's ongoing misrepresentation of its compliance with antitrust laws is disingenuous. It is well-documented that your property managers, leasing consultants, and corporate employees routinely engaged in discussions regarding pricing, specials, and market-setting strategies in direct collusion with other landlords. This conduct is a clear violation of antitrust regulations, and you are fully aware of it. Your so-called whistleblower platform lacks legitimacy, your internal communications to the board are misleading, and your accounting practices are highly questionable. The unethical nature of your company's operations is evident.

Additionally, I your attempts to obtain documents I have provided to government agencies, as well as your efforts to fabricate evidence, engage in surveillance, access my personal email accounts, dispatch uniformed process servers, employees and contractors to my residence. Any and all requests for such materials should be directed to the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC). I will not engage in any further discussions regarding these matters with your organization, nor will I tolerate continued harassment.

This letter serves as a formal notice that any further attempts to intimidate, surveil, or interfere with my personal and professional affairs will be documented and escalated accordingly. I strongly advise that your organization reevaluate its actions and operate within the boundaries of legal and ethical conduct.

Please see my question below: to whom should I serve the lawsuit? At that time, I will be subpoenaing all executives as witnesses to the ongoing harassment, deception, and fraudulent activities within MAA.

Documents

 Exhibit A.pdf	212.46 KB
 Exhibit B.pdf	252.27 KB

RECEIVED

Page 1 of 5

MAR 14 2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

)
)
)
)
)
)
)

NOTICE TO THE COURT

**NOTICE TO THE APPELLATE COURT REGARDING PLAINTIFF-APPELLEE'S CONTINUED
HARASSMENT, BAD FAITH LITIGATION, AND IMPROPER DISCOVERY REQUESTS**

Appellant, Dennis Michael Philipson, proceeding pro se, submits this Notice to document Plaintiff-Appellee Mid-America Apartment Communities, Inc.'s (MAA) continued attempts to harass, intimidate, and invade Appellant's privacy through excessive and legally improper post-judgment discovery efforts while this appeal remains pending. On January 27, 2025, MAA served extensive post-judgment discovery requests, seeking highly sensitive personal information, including demands for access to electronic devices and documents (Exhibit C – Plaintiff's First Set of Post-Judgment Interrogatories). These requests constitute a clear overreach of legal enforcement, particularly given the pending appellate review. The district court lacks jurisdiction to enforce or modify a judgment while an appeal is ongoing, and any enforcement actions should be stayed pending the outcome of the appeal. Despite multiple requests to cease unwarranted communications, MAA continues to harass Appellant via repeated emails and mailings, disregarding formal requests to stop. These actions reflect bad faith litigation tactics designed to coerce and exhaust Appellant, rather than serving any legitimate legal purpose.

Additionally, Appellant previously offered to provide full access to all electronic devices during an October 2023 deposition when directly asked by Attorney Paige Mills. MAA did not follow up on that offer at any time thereafter, yet now improperly seeks broad access to Appellant's electronic devices and documents once again, without justification. The renewed demand for such information, despite prior access being offered and ignored, is a clear abuse of process and further evidence of bad faith litigation tactics.

Despite Appellant previously offering full access to all electronic devices during an October 2023 deposition, when specifically asked by Attorney Paige Mills, MAA failed to follow up on that offer. Now, in its post-judgment discovery requests, MAA improperly seeks broad access to Appellant's electronic devices, documents, and stored data once again, without justification.

See Exhibit C – Plaintiff's First Set of Post-Judgment Interrogatories, where MAA demands:

- Identification and disclosure of all personal electronic devices, including computers, smartphones, external drives, and storage media (Interrogatory No. 6).
- Production of all electronically stored information (ESI), including emails, text messages, and social media messages related to financial status (Request No. 2).
- Access to cloud-based storage accounts (such as Google Drive, iCloud, or Dropbox) containing personal data (Interrogatory No. 5).

These demands are duplicative, intrusive, and constitute an abuse of process. MAA's renewed request for such information—despite previously having the opportunity to obtain it and choosing not to act—is clear evidence of bad faith litigation tactics and an attempt to harass and burden Appellant rather than serve any legitimate legal purpose. On March 12, 2025, MAA filed a Motion to Compel, attempting to force compliance with its unreasonable requests (Exhibit A – Motion to Compel). In response, Appellant objected to MAA's discovery demands as premature, disproportionate, and an invasion of privacy (Exhibit B – Response to Motion to Compel).

Additionally, Appellant has raised concerns about MAA's pattern of misconduct and harassment, including through internal whistleblower reports since 2021 (Dkt No. 26). Unfortunately, MAA appears to have deleted Appellant's original whistleblower complaint, which directly contradicts Securities and Exchange Commission (SEC) regulations and federal protections for whistleblowers.

- Under SEC Rule 21F-17(a) (17 C.F.R. § 240.21F-17), it is unlawful for any entity to take actions that impede an individual from communicating with the SEC regarding potential securities violations, including the improper deletion of whistleblower complaints.
- Under the Sarbanes-Oxley Act (SOX), Section 806 (18 U.S.C. § 1514A), and 18 U.S.C. § 1519, public companies are prohibited from destroying, altering, or falsifying records to obstruct federal investigations or retaliate against whistleblowers.

Appellant continues to document ongoing harassment and retaliation through MAA's whistleblower hotline to ensure that executives and the board of directors remain fully aware of these issues.

- Under SEC Rule 13a-15 (17 C.F.R. § 240.13a-15), publicly traded companies are required to maintain and oversee internal reporting mechanisms, including whistleblower complaints.
- If MAA has knowingly removed or concealed whistleblower complaints to evade accountability, such conduct not only violates SEC reporting obligations but may also constitute obstruction of justice under federal law.

(See Exhibit D – MAA Whistleblower Cease Harassment for supporting evidence.)

This Notice serves to document MAA's continued disregard for jurisdictional boundaries and its improper post-judgment discovery efforts while this matter remains under review by the appellate court.

Page 4 of 5

Dated this 12th day of March 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in black ink, appearing to read 'Dm' followed by a long, sweeping horizontal stroke.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

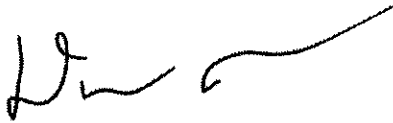
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March 2025, a true and correct copy of the foregoing **NOTICE TO THE APPELLATE COURT REGARDING PLAINTIFF-APPELLEE'S CONTINUED HARASSMENT, BAD FAITH LITIGATION, AND IMPROPER DISCOVERY REQUESTS** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

RECEIVED

3/13/25, 3:51 PM

Gmail - Fwd: 24-6082 - Notice To Court

MAR 14 2025



KELLY L. STEPHENS, Clerk

Dee Philips <mikeydphilips@gmail.com>

Fwd: 24-6082 - Notice To Court

Dee Philips <mikeydphilips@gmail.com>

Thu, Mar 13, 2025 at 11:12 AM

To: mandy.shoemaker@ca6.uscourts.gov, kelly.stephens@ca6.uscourts.gov

Cc: ca06_pro_se_efiling@ca6.uscourts.gov, Dee Philips <mikeydphilips@gmail.com>

Good morning Clerks Office,

Please see my question below. I have asked this before—what exactly is the person managing the Pro Se inbox looking for? Perhaps it is an automated system that does not recognize how to answer questions?

I have attached a flattened version. It is unclear what the Pro Se email box means by a "non-modifiable PDF," as every PDF is technically modifiable in some way. If there is a specific format or requirement they are looking for, clarification would be helpful.

I will send this via express, to ensure it is added to the docket. I am also documenting everything that MAA and their attorneys are doing in the lower court, including their involvement in the Tennessee court, this court, and any other court where I bring suit—just in case certain patterns of interstate actions across multiple courts and states are ever viewed in a particular light.

Thanks for your continued assistance!

Dennis Philipson

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

From: Dee Philips <mikeydphilips@gmail.com>

Date: Wed, Mar 12, 2025 at 8:15 PM

Subject: Re: 24-6082 - Notice To Court

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>

I asked you to explain non modifiable PDF format. Every PDF is modifiable..

Thank you
Dennis

On Wed, Mar 12, 2025, 8:14 PM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken with this email.
All documents must be submitted in a non-modifiable PDF format.

Best,

Please include Email in Filing

From: Dee Philips <mikeydphilips@gmail.com>

Sent: Wednesday, March 12, 2025 5:35 PM

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>

Cc: mikeydphilips@gmail.com

Subject: 24-6082 - Notice To Court

3/13/25, 3:51 PM

Gmail - Fwd: 24-6082 - Notice To Court

CAUTION - EXTERNAL:

Hello,

Could you please file this notice and the exhibits to the docket for the court case 24-6082? I have ensured they are not editable.

Thank you,
Dennis Philipson

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

5 attachments






-  **EXHIBIT D - MAA Whistleblower Cease Harassment.pdf**
450K
-  **EXHIBIT C - PLAINTIFF'S FIRST SET OF POST-JUDGMENT INTERROGATORIES.pdf**
173K
-  **EXHIBIT B - RESPONSE TO MOTION TO COMPEL.pdf**
101K
-  **EXHIBIT A - MOTION TO COMPEL.pdf**
439K
-  **03-12-25 - Notice to Court - Invasion of Privacy, Continued Harassment.pdf**
131K

EXHIBIT A

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

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

Plaintiff,

V.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

MOTION TO COMPEL DISCOVERY IN AID OF EXECUTION

Plaintiff Mid-America Apartment Communities, Inc. (“MAA”), respectfully moves this Court pursuant to Rule 37(a) of the Federal Rules of Civil Procedure for an order compelling Defendant Dennis Philipson (“Philipson”), to respond to MAA’s Discovery Requests in Aid of Execution (the “Discovery Requests”). In support of this motion, Plaintiff states as follows:

On January 27, 2025, MAA served Philipson with its Discovery in Aid of Execution by mailing and emailing a copy to Philipson. A true and correct copy of MAA's Discovery Requests is attached hereto as **Exhibit A**. Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Philipson's answers and responses to the Discovery Requests were due on February 26, 2025. In response to MAA counsel's email serving the discovery requests, Philipson replied: "Here is my answer to all questions as well. Go f*** yourself." A true and correct copy of Philipson's email is attached hereto as **Exhibit B**.

MAA understood Philipson's email to mean he refused to respond to its discovery requests. Philipson has made no other response to MAA's Discovery Requests and the deadline for

Case 2:23-cv-02186-SHL-cgc Document 148 Filed 03/12/25 Page 2 of 3
PageID 2607

responding has since passed. Further, Philipson failed to timely state any objections to MAA's Discovery Requests, and therefore, has waived his right to do so.

CONCLUSION

For the foregoing reasons, MAA respectfully requests that this Court enter an order compelling Philipson to provide answers and responses to MAA's Discovery Requests in Aid of Execution and that MAA be awarded its reasonable expenses, including attorneys' fees, incurred in bringing this motion, as well as any other relief this Court deems equitable and proper.

Respectfully Submitted,

/s/ John Golwen

Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

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***

Case 2:23-cv-02186-SHL-cgc Document 148 Filed 03/12/25 Page 3 of 3
PageID 2608

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2025 the forgoing was served on the individual below by the ECF filing system:

Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310

/s/ John Golwen
John Golwen

EXHIBIT B

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

V.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

RESPONSE TO MOTION TO COMPEL

Defendant, Dennis Michael Philipson, appearing pro se, submits this notice in response to Plaintiff's post-judgment discovery requests. These demands are excessive, unjustified, and constitute an unwarranted invasion of privacy, particularly given that an appeal is currently pending. Defendant objects to Plaintiff's efforts to compel personal financial disclosures at this time, as they are premature, disproportionate, and legally questionable.

1. The Judgment Is Subject to Appeal, and Enforcement Should Be Stayed

Defendant has exercised the right to appeal, and as such, the finality of the judgment remains unresolved. Established legal precedent recognizes that a judgment subject to appeal does not automatically trigger immediate enforcement efforts, as it may be reversed, modified, or remanded upon appellate review. See *Nken v. Holder*, 556 U.S. 418, 433 (2009) (stating that enforcement of judgments while an appeal is pending should be analyzed under standards protecting against irreparable harm).

Defendant asserts that any collection efforts, including discovery into financial assets, should be stayed pending resolution of the appeal. Courts have repeatedly emphasized the importance of due process and fairness in judgment enforcement, particularly where the underlying judgment remains subject to legal challenge. See *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987) (holding that courts must balance the interests of the parties in deciding whether to stay enforcement pending appeal).

Defendant reserves the right to satisfy any final judgment, should it remain in effect after appeal, through a funding source of Defendant's choosing. At this stage, there is no lawful basis for Plaintiff to demand preemptive financial disclosures or dictate how or from what source Defendant may satisfy a judgment in the future.

2. No Separate Court-Ordered Billing Statement Exists, and Plaintiff's Collection Efforts Are Overreaching

A judgment serves as a legal determination of liability, but it does not function as a bill or invoice requiring immediate payment absent further enforcement actions. Plaintiff's discovery requests imply that Defendant is obligated to provide detailed financial information before the appeal is resolved, which is not legally required and constitutes an improper expansion of enforcement rights.

Federal Rule of Civil Procedure 69(a)(2) governs post-judgment discovery and limits its scope to what is necessary for enforcement. Courts have consistently held that discovery under Rule 69 must be proportional and not intrusive beyond what is required to locate assets for enforcement. See *Republic of Argentina v. NML Capital, Ltd.*, 573 U.S. 134, 146 (2014) (holding that post-judgment discovery must be necessary to locate enforceable assets and not serve as a fishing expedition).

The judgment alone does not entitle Plaintiff to compel broad and invasive financial disclosures before an appeal is resolved. The appropriate mechanism for collection—if the judgment is upheld—must be exercised through legal and proper means, not through harassment or unwarranted invasions of personal financial privacy.

3. Plaintiff's Discovery Requests Are Overbroad, Harassing, and an Unjustified Invasion of Privacy

Plaintiff's post-judgment interrogatories and document requests seek highly sensitive personal financial information, including details of:

- Checking, savings, and brokerage accounts

- Income sources, assets, and real property ownership
- Personal trust accounts and financial instruments

Such invasive requests, particularly while an appeal is pending, serve no immediate legal purpose beyond harassment. Courts have consistently limited overreaching discovery efforts that seek information beyond what is necessary to enforce a judgment. See *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 35 (1984) (holding that discovery rules must balance the need for information with protection against unnecessary intrusion).

Furthermore, post-judgment discovery must comply with privacy protections under both federal and state law. Courts have recognized a right to financial privacy, particularly where disclosure is sought without immediate enforcement justification. See *Oklahoma Press Pub. Co. v. Walling*, 327 U.S. 186, 204 (1946) (acknowledging privacy protections in financial disclosures).

At this time, Defendant is not refusing to comply with a final judgment but objects to premature and unnecessary demands for personal financial information that serve no valid enforcement purpose during the appeal process.

4. Defendant Has Repeatedly Objected to Harassment and Will Not Engage in Unnecessary Correspondence

Defendant has previously informed Plaintiff and its legal representatives that continued contact regarding matters outside the proper scope of legal enforcement is unwarranted. Despite these objections, Plaintiff continues to demand disclosures that are not legally mandated at this stage.

Plaintiff has further attempted to mischaracterize Defendant's strong objections—including the use of explicit language in private communications—as improper conduct. Defendant asserts the constitutional right to free expression and maintains that frustration in response to excessive, harassing, and unjustified

demands is not a violation of any legal or ethical duty. There is no law requiring Defendant to engage in polite correspondence with parties that persistently disregard legal boundaries.

5. Plaintiff's Conduct Is Inconsistent with Its Own Compliance Obligations

Defendant has previously raised concerns regarding Plaintiff's misconduct, including potential violations of antitrust laws and ethical breaches in its business practices. Plaintiff's aggressive collection tactics, despite an ongoing appeal, further highlight bad faith litigation tactics.

Defendant has also repeatedly raised concerns through MAA's whistleblower hotline, most recently on March 12, 2025, regarding Plaintiff's unethical conduct and misuse of legal processes. See Exhibit A for evidence of Defendant's efforts to address these ongoing issues. Defendant requests that the Court take into consideration the totality of Plaintiff's conduct, including its broader pattern of harassment, misrepresentation, and disregard for lawful processes.

Conclusion

Given that an appeal remains pending, Defendant objects to Plaintiff's discovery requests as improper, overreaching, and an unjustified invasion of personal financial privacy. Plaintiff has no immediate right to enforce the judgment or demand preemptive financial disclosures.

If the judgment is upheld on appeal, Defendant should be afforded the opportunity to satisfy it in full, from a funding source of Defendant's choosing, without premature or invasive collection efforts. Plaintiff's demands for financial information before this process is concluded are unwarranted and should be rejected.

Defendant respectfully requests that the Court:

1. Stay post-judgment discovery pending appeal;
2. Limit the scope of any future discovery to legally necessary and proportionate enforcement efforts;

3. Consider Plaintiff's pattern of misconduct and harassment in its handling of this case; and
4. Deny any attempt by Plaintiff to prematurely compel financial disclosures that serve no immediate legal necessity.

Dated this 12th day of March 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

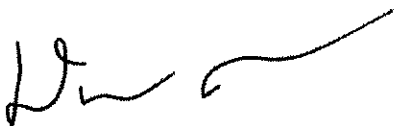
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March 2025, a true and correct copy of the foregoing NOTICE TO THE COURT was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
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

EXHIBIT C

Case 2:23-cv-02186-SHL-cgc Document 148-1 Filed 03/12/25 Page 1 of 11
PageID 2609

EXHIBIT A

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

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

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

**PLAINTIFF'S FIRST SET OF POST-JUDGMENT INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO DEFENDANT DENNIS MICHAEL PHILIPSON**

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, Plaintiff hereby propounds their First Set of Post-Judgment Interrogatories and Requests for Production of Documents, (collectively, “Discovery Requests”) to Defendant, Dennis Michael Philipson, (“Defendant”). These Discovery Requests are continuing and require supplemental responses to the extent provided by Rule 26(e) of the Federal Rules of Civil Procedure. Plaintiff requests Defendant serve on counsel for Plaintiff, within thirty days from the date of service, answers to the following First Set of Post-Judgment Interrogatories and the requested documents. The following instructions and definitions are applicable to all Discovery Requests herein.

INSTRUCTIONS FOR ANSWERING

1. Please note that all answers are to be made separately and fully and that an incomplete or evasive answer is a failure to answer. When an interrogatory calls for an answer

Case 2:23-cv-02186-SHL-cgc Document 148-1 Filed 03/12/25 Page 3 of 11
PageID 2611

in more than one part, please separate the parts in your answer accordingly so that each part is clearly set out and understandable.

2. Where knowledge or information in your possession is requested, such request includes knowledge or information in possession of your representatives, agents, insurers, and, unless privileged, attorneys.

3. If you have only incomplete knowledge of the answer to an interrogatory, please answer to the extent of your knowledge and state specifically the portion or area of the interrogatory of which you have only incomplete knowledge, and identify the person or persons who do(es) have or might have additional knowledge or information to complete the answer.

4. If you answer any interrogatory in whole or in part by attaching a document containing information sufficient to do so, the relevant portions of such document must be marked or indexed.

5. "Document" means all paper and electronically stored information (including but not limited to all electronic databases and the data therein, all electronic messages and communications, all electronic word processing documents and spreadsheets, all electronically stored voice mail, and all data and information stored in any relevant PDA, smartphone, or mobile phone), originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, transmitted, photographic, or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial statements, checks (cancelled or otherwise), check stubs, receipts, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, communications, minutes, transcriptions,

Case 2:23-cv-02186-SHL-cgc Document 148-1 Filed 03/12/25 Page 4 of 11
PageID 2612

correspondence, agreements, graphs, tabulations, analyses, evaluations, projections, opinions or reports of consultants, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, and all other material fixed in a tangible medium of whatever kind known to you and within your possession, custody, or control. Document also includes different versions of the same document, including but not limited to drafts or documents with handwritten notes or marks not found on the original or copies, which are different documents for you to identify in your response.

6. Where the identity of a person is requested, please state his or her full name, any known nicknames or alias, present or last known home address and telephone number, present or last known position and business affiliation or employment and the address and telephone number there, and his or her employment and position at the time in question. For persons whose addresses are known to be inaccurate at this time, please state the most reliable address and telephone number in your possession.

7. A request for documents shall include all documents that contain, evidence, reflect or relate to any information requested.

8. "Defendant" means "Dennis Michael Philipson". "You" or "Your" means "Dennis Michael Philipson".

9. Where the identity of an entity not a natural person is requested, please state the name of the entity, the person(s) employed by or otherwise affiliated with that entity who has knowledge of the matters covered in answer to the specific interrogatory, that person's job title, the address of the entity, and the telephone numbers of the person(s) identified as being employed or otherwise affiliated with the entity.

Case 2:23-cv-02186-SHL-cgc Document 148-1 Filed 03/12/25 Page 5 of 11
PageID 2613

10. "Communication" shall mean any exchange, transmission or receipt (whether as listener, addressee, person called or otherwise) of information, whether such exchange, transmission or receipt be oral, written or otherwise, and includes, without limitation, any meeting, conversation, telephone call, letter, telegram, email, facsimile, exchange, transmission or receipt of any document of any kind whatsoever.

11. "Relate" means containing, alluding to, responding to, connected with, regarding, discussing, involving, showing, describing, analyzing, reflecting, identifying, incorporating, referring to, or in any way pertaining to.

12. As used herein, the conjunctions "and" and "or" shall be interpreted conjunctively or disjunctively, as appropriate, so as not to exclude any documents or information otherwise within the scope of these requests.

14. Where the identity of a document is requested, please state the nature or title of the document, the date of the document, all persons believed to have knowledge of the contents of the document, in whose possession the document presently is, and, regarding a document which was, but is no longer in your possession, custody or control, and the contents of the document. If the document identified was, but is no longer in the possession of Defendant or subject to Defendant's control, or it is no longer in existence, state whether it is (a) missing or lost, (b) destroyed, (c) transmitted or transferred voluntarily or involuntarily to others, identifying such others, or (d) otherwise disposed of, and in each instance, explain the circumstances surrounding and authorization for such disposition and state the date or approximate date thereof. If any of the above information is not available to Defendant, state any available means of identifying such document.

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PageID 2614

15. Where a statement or description is requested, please include a specific account of what is being stated or described including, where applicable, without limitation, the date or time period involved; the identity of persons from whom the information was learned, who would have knowledge of what information, and/or who participated or was present; what happened in chronological order relating to each identifiable event, response, act or other thing; the address and, if known, ownership and use, where the occurrence took place; the context or circumstances in which the occurrence took place; and what response or reaction existed that caused the occurrence to take place.

16. For each interrogatory, please identify the persons from whom the information contained in the answer is obtained and the persons who swear to the truth of that information.

17. Please note that, pursuant to Rule 26(e), you are under a continuing duty to supplement your responses.

18. If you withhold any responsive information on the grounds that it is privileged or otherwise excludable from discovery, identify the information, describe its subject matter and specify the basis for the claimed privilege or other grounds of exclusion.

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PageID 2615

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail all of your sources of income or compensation, whether or not reported on any tax return, and, as to all income and assets or services received, set forth the income, assets or services received, the nature and amount of any deductions or set-offs, and the net amount received.

ANSWER:

INTERROGATORY NO. 2: Please identify all of your checking, savings, money market or other accounts, certificates of deposit, or mutual funds with any financial or banking institution, including savings and loan associations, stock brokerage firms, or credit unions, by providing the following information for each:

- a) name and address of financial institution;
- b) type of account;
- c) name of account;
- d) account number;
- e) current balance;
- f) average balance from statements for each of the last twelve months; and
- g) name, address, and relationship of any other person or entity having an interest in each account, and the nature or extent of their interest.

ANSWER:

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PageID 2616

INTERROGATORY NO. 3: For each parcel of real property in which you have had an ownership or leasehold interest during the past five years, please provide the following information:

- a) the address and legal description of the property;
- b) the size of the property;
- c) a description of each structure and other improvement on the property;
- d) the name and address of any other person or corporation having an ownership interest in each parcel and the type of ownership interest held;
- e) the ownership of the property as stated in the documents of title, and the location of each document;
- f) the present value of your equity interest in the property;
- g) whether you lease or rent the property and how much income you derive per year from renting or leasing the property; and
- h) whether you claim that the property is exempt by law from forced sale.

ANSWER:

INTERROGATORY NO. 4: State the cost, location and estimated present market value of all motorized vehicles, watercraft, jewelry, and artwork that you own. Please set forth, with respect to each item of personal property described, whether the article of personal property is the subject of any lien or security interest and the balance of the loan secured by any such lien or security interest.

ANSWER:

Case 2:23-cv-02186-SHL-cgc Document 148-1 Filed 03/12/25 Page 9 of 11
PageID 2617

INTERROGATORY NO. 5: Please identify any Trust Account, of which you are a beneficiary, by providing the following information:

- a) the name of the trust;
- b) the name of the trustee;
- c) the type of trust;
- d) current balance;
- e) name, address, and relationship of any other person or entity having an interest in each trust, and the nature or extent of their interest.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Produce all documents referenced in the preceding answers to interrogatories.

RESPONSE:

REQUEST NO. 2: Produce copies of certificates of title evidencing your ownership in any property.

RESPONSE:

REQUEST NO. 3: Produce all of your federal and state tax returns for each year from 2013 through 2023.

RESPONSE:

Case 2:23-cv-02186-SHL-cgc Document 148-1 Filed 03/12/25 Page 10 of 11
PageID 2618

REQUEST NO. 4: Produce all of the your financial and bank statements and cancelled checks for the past five years for any accounts, certificates, and funds identified in response to Interrogatory No. 2.

RESPONSE:

Respectfully Submitted,

/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

Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

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

Case 2:23-cv-02186-SHL-cgc Document 148-1 Filed 03/12/25 Page 11 of 11
PageID 2619

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2025 the forgoing was served on the individual below by electronic mail and regular mail:

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

/s/ John Golwen

John Golwen

EXHIBIT D

Whistleblower | Whistleblower

<https://www.whistleblowerservices.com/maa/>

Continued Whistleblower Updates

I have also started a new communication thread within MAA's whistleblower system to ensure that all instances of misconduct are properly documented. If MAA's system continues to fail in addressing these concerns, I will persist in initiating new threads to ensure that the ongoing issues are thoroughly recorded and escalated as needed.

Comments

Created
Wed, 03/12/2025 - 15:04
Subject: Cease Harassment and Unethical Conduct
To Whom It May Concern,

The continued harassment from your legal team and representatives is completely unacceptable and must stop immediately, please see attachments. Since 2016, I have endured persistent and targeted mistreatment, including disparaging comments about my weight, clothing, mental disability, hair color, and even my sexuality. I am well aware of what I experienced and what transpired within MAA, and I will not be intimidated into silence. I am also fully aware of your collusion with the EEOC and your close association with Michael Heise, which has directly influenced the handling of complaints and further obstructed justice.

I am formally requesting that all harassment from Leslie, Tim, and your perjuring attorneys cease immediately.

Furthermore, your organization's ongoing misrepresentation of its compliance with antitrust laws is disingenuous. It is well-documented that your property managers, leasing consultants, and corporate employees routinely engaged in discussions regarding pricing, specials, and market-setting strategies in direct collusion with other landlords. This conduct is a clear violation of antitrust regulations, and you are fully aware of it. Your so-called whistleblower platform lacks legitimacy, your internal communications to the board are misleading, and your accounting practices are highly questionable. The unethical nature of your company's operations is evident.

Additionally, I your attempts to obtain documents I have provided to government agencies, as well as your efforts to fabricate evidence, engage in surveillance, access my personal email accounts, dispatch uniformed process servers, employees and contractors to my residence. Any and all requests for such materials should be directed to the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC). I will not engage in any further discussions regarding these matters with your organization, nor will I tolerate continued harassment.

This letter serves as a formal notice that any further attempts to intimidate, surveil, or interfere with my personal and professional affairs will be documented and escalated accordingly. I strongly advise that your organization reevaluate its actions and operate within the boundaries of legal and ethical conduct.

Please see my question below: to whom should I serve the lawsuit? At that time, I will be subpoenaing all executives as witnesses to the ongoing harassment, deception, and fraudulent activities within MAA.

Documents

Exhibit A.pdf	212.46 KB
Exhibit B.pdf	252.27 KB

Displaying 1 - 25 of 1

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MAR 14 2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

It appears that Plaintiff Mid-America Apartment Communities, Inc. (MAA) has filed a Motion to Reopen the Case (No. 223-cv-2186-SHL-cgc, Dkt. No. 135) as well as a Motion to Compel Discovery in Aid of Execution (No. 223-cv-2186-SHL-cgc, Dkt. No. 135).

In response, I have submitted Exhibit A: Defendant's Pro Se Motion to Issue Subpoenas, in preparation for:

1. Any future orders that may arise should the case be reopened.
2. Subsequent retaliation lawsuits against MAA in Virginia, North Carolina, and Atlanta, under 42 U.S.C. § 1981 (Retaliation for Asserting Rights Under Federal Law) and 18 U.S.C. § 1513(e) (Retaliation Against a Witness or Whistleblower).
3. A potential petition for certiorari before the United States Supreme Court, as contemplated under Supreme Court Rule 10, regarding cases involving conflicts between lower courts or important questions of federal law.
4. The fact that I was never given an opportunity to complete discovery in the lower court, despite filing a motion for discovery (Dkt. No. 43-1), which was ignored. This denied me the ability to obtain evidence, even as this case was used as a tool of harassment to intimidate me and unlawfully gain access to documents I submitted to the federal government as part of whistleblower disclosures.

Page 2 of 3

Additionally, under Rule 45 of the Federal Rules of Civil Procedure, a subpoena is a necessary tool for obtaining evidence, particularly where relevant materials are in the custody of third parties, including federal agencies. In this case, given Plaintiff's broad discovery requests, the issuance of subpoenas ensures proper access to materials needed for defense and future litigation. I respectfully request that this filing be noted accordingly.

Dated this 13th day of March 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a long horizontal flourish extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

Page 3 of 3

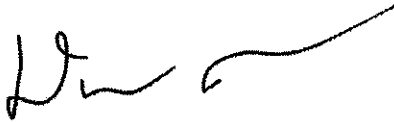
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2025, a true and correct copy of the foregoing **NOTICE TO COURT** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

Exhibit A

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

V.

DENNIS MICHAEL PHILIPSON,
Defendant.

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

DEFENDANT'S PRO SE MOTION TO ISSUE SUBPOENAS

DEFENDANT'S PRO SE MOTION TO ISSUE SUBPOENAS

The Defendant, Dennis Michael Philipson, proceeding pro se, respectfully moves this Honorable Court for an Order granting the issuance of subpoenas to obtain records and documents necessary to comply with the Plaintiff's recent Motion to Compel and to ensure a complete evidentiary record.

I. LEGAL BASIS FOR THIS REQUEST

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, the Defendant seeks to subpoena documents from various government agencies and private entities that are directly relevant to the Plaintiff's Motion to Compel and to the underlying facts of this case.

The requested subpoenas are necessary because:

- 1. Compliance with Plaintiff's Motion to Compel** – Plaintiff has demanded discovery that requires access to records that are within the custody of federal agencies. These records cannot be provided without a subpoena. In their second set of discovery requests, Plaintiff seeks even more protected materials; however, this second request was only provided to me in physical form and was not uploaded to the court docket. Given the nature of the request, I immediately sent a copy directly to the Department of Justice (DOJ) as evidence. As a result, the only way to obtain it in a timely manner is through a subpoena to the DOJ.

While Plaintiff may argue that *"Information that has been submitted to any governmental entity without request for confidential treatment and is publicly available by that governmental entity or other public source is not considered confidential (Dkt No. 52-1)l,"* such an argument conflicts with established whistleblower protection laws, including:

- The Dodd-Frank Act (15 U.S.C. § 78u-6(h)(2)(A)), which mandates that SEC whistleblower information is protected from disclosure, even in response to FOIA or subpoenas.
- The IRS Whistleblower Protection Laws (26 U.S.C. § 6103 and § 7623), which prohibit the release of whistleblower submissions.
- The False Claims Act (31 U.S.C. § 3730(h)), which bars retaliation and the forced disclosure of whistleblower identities and evidence.
- FOIA Exemption 7(C) (5 U.S.C. § 552(b)(7)(C)), which protects law enforcement records from disclosure if they would invade privacy or expose whistleblowers.

These laws expressly prohibit the release of whistleblower-provided documents, regardless of whether the whistleblower requested confidential treatment, ensuring the integrity of federal investigations and preventing retaliation.

2. FOIA Delays Prevent Timely Access – The Defendant has made efforts to obtain records through Freedom of Information Act (FOIA) requests but has encountered significant delays.
3. Relevance to the Issues in the Case – The documents sought are directly related to the Defendant's whistleblower complaints, employment history, and regulatory investigations into Mid-America Apartment Communities, Inc. (MAA).
4. Defendant's Lack of Prior Opportunity – The Defendant was not given a prior opportunity to subpoena key witnesses, documents, and entities during previous proceedings. (Dkt No. 43-1)

II. DOCUMENTS AND RECORDS TO BE SUBPOENAED

The Defendant requests subpoenas for the following agencies and entities to obtain records, files, complaints, and investigative reports necessary for responding to the Plaintiff's discovery requests, covering the period from April 2021 to the present.

1. All Whistleblower Complaints and Correspondence Submitted by the Defendant

The Defendant requests subpoenas to the Securities and Exchange Commission (SEC), Internal Revenue Service (IRS), Department of Justice (DOJ) (Civil Rights Division, Criminal Division, Antitrust Division), Attorney General's Office, Equal Employment Opportunity Commission (EEOC), U.S. Department of Housing and Urban Development (HUD), Federal Bureau of Investigation (FBI), U.S. Department of Labor, and Federal Trade Commission (FTC) for the production of the following:

- Any and all whistleblower complaints, correspondence, documents, USB drives, emails, reports, recordings, pictures, or any other materials that the Defendant submitted to the agency, including any subsequent complaints.
- All email correspondence, letters, or any form of communication exchanged between the Defendant and the agency regarding these submissions.
- Any acknowledgments, responses, tracking numbers, or receipt confirmations provided by the agency in relation to the Defendant's submissions.

2. All Investigative Records Related to Mid-America Apartment Communities, Inc.

The Defendant requests subpoenas to the SEC, IRS, DOJ (Civil Rights Division, Criminal Division, Antitrust Division), Attorney General's Office, EEOC, HUD, FBI, U.S. Department of Labor, and FTC for records related to investigations concerning MAA, including:

- Records of any investigations conducted against MAA, including but not limited to complaints, audits, enforcement actions, inquiries, or compliance reviews.

- Correspondence between the agency and MAA regarding compliance, violations, enforcement matters, settlements, warnings, or any regulatory actions.
- Any notices of investigation, citations, penalties, consent decrees, or agreements between the agency and MAA.
- Any findings, determinations, or reports issued by the agency concerning MAA's business practices, regulatory compliance, or violations.
- All responses, rebuttals, or legal arguments submitted by MAA in response to agency inquiries, complaints, or enforcement actions.
- All communications, emails, and documents related to investigations, audits, assessments, or compliance reviews conducted by internal auditors, the board of directors, accountants, or any oversight body within MAA.
- Any internal assessments, financial reports, risk evaluations, or findings regarding MAA's subsidiaries, including Brighter View Insurance Company or any other affiliated entity.
- Records of internal investigations, audits, or reviews related to property insurance, casualty insurance, or any other internal control measures within MAA or its subsidiaries.
- Reports, evaluations, or correspondence regarding regulatory compliance issues, risk assessments, financial stability, or internal control weaknesses identified by internal or external auditors.

3. Defendant's Complete Employment Records from Mid-America Apartment Communities, Inc. from January 2016 through the present.

The Defendant requests a subpoena for the following employment-related records:

- Personnel file, including hiring records, evaluations, disciplinary actions, and termination documents.
- Offer letters, background check results, onboarding documents, and employment agreements.
- Performance evaluations, reviews, and assessments conducted during employment.
- All tests, assessments, or evaluations taken by the Defendant, including skills tests, personality assessments, compliance training results, and any related scoring or feedback.
- Disciplinary actions, warnings, notices, and any related documents.
- Any internal complaints filed by or against the Defendant, including investigative notes, outcomes, and resolutions.
- Compensation records, including salary history, bonuses, stock options, incentive plans, benefits, and severance agreements.
- Training records, certifications, or professional development courses completed during employment.
- Records of promotions, demotions, transfers, or changes in employment status.
- All recordings, emails, and correspondence between Employee Relations, Anwar Brooks, and any senior employee regarding the Defendant, including discussions related to performance, complaints, disciplinary actions, or any other employment-related matters.

III. RELIEF REQUESTED

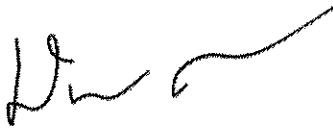
WHEREFORE, the Defendant respectfully requests that this Court:

1. Grant this Motion and authorize the issuance of subpoenas to the above-named entities.
2. Direct the entities to produce the requested documents within a reasonable timeframe.

3. Grant any other relief this Court deems just and proper in the interest of fairness and due process.

Dated this 13th day of March 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

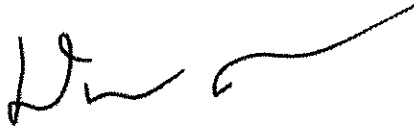
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2025, a true and correct copy of the foregoing **DEFENDANT'S PRO SE MOTION TO ISSUE SUBPOENAS** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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

3/13/25, 3:52 PM

Gmail - Request to Upload Filing -- Note Regarding Subpoena - Case No. 24-6082



Dee Philips <mikeydphilips@gmail.com>

Request to Upload Filing -- Note Regarding Subpoena - Case No. 24-6082

Dee Philips <mikeydphilips@gmail.com>
Draft

Thu, Mar 13, 2025 at 3:52 PM

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

From: **Dee Philips** <mikeydphilips@gmail.com>

Date: Thu, Mar 13, 2025 at 2:36 PM

Subject: Request to Upload Filing -- Note Regarding Subpoena - Case No. 24-6082

To: <mandy.shoemaker@ca6.uscourts.gov>, <kelly.stephens@ca6.uscourts.gov>, <ca06_pro_se_efiling@ca6.uscourts.gov>

Cc: Dee Philips <mikeydphilips@gmail.com>

Dear Clerk,

Please upload the attached note and exhibit to the docket for Case No. 24-6082. These filings relate to my motion for subpoenas in response to Plaintiff's pending motions in No. 223-cv-2186-SHL-cgc.

I will mail express today.

Thank you.

Dennis Philipson

3 attachments **03-13-25 - Notice to Court - DEFENDANT'S PRO SE MOTION TO ISSUE SUBPOENAS.pdf**
83K **03-13-25 - No. 223-cv-2186-SHL-cgc - DEFENDANT'S PRO SE MOTION TO ISSUE SUBPOENAS.pdf**
171K **Exhibit A - 3-13-25 - No. 223-cv-2186-SHL-cgc - DEFENDANT'S PRO SE MOTION TO ISSUE SUBPOENAS.pdf**
156K

Please include
Email in filing

RECEIVED

MAR 14 2025

KELLY L. STEPHENS, Clerk

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**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

This letter formally notifies the U.S. Court of Appeals for the Sixth Circuit of the urgent need for corrective action in *Mid-America Apartment Communities, Inc. v. Philipson*, Sixth Circuit Case No. 24-6082. As the pro se Defendant-Appellant, I respectfully request prompt judicial intervention due to extraordinary circumstances involving serious due process violations, procedural misconduct, and retaliatory litigation tactics by Mid-America Apartment Communities, Inc. (“MAA”) and its legal counsel. These issues have severely compromised the

integrity of the judicial process, necessitating immediate action to restore fairness and uphold the rule of law.

The appellate proceedings in this case are fully briefed and ripe for adjudication. My principal brief was submitted on January 16, 2025, and my reply brief on February 25, 2025. These filings detail extensive irregularities in the lower court proceedings, including the use of altered evidence, abusive discovery tactics, undisclosed conflicts of interest, and other due process violations. Despite the seriousness of these issues, there has been no indication of timely review or action by the Sixth Circuit. Consequently, I continue to suffer prejudice from a tainted judgment and ongoing retaliation stemming from this case.

Therefore, I urge the Sixth Circuit to take immediate corrective action. If meaningful steps are not taken by March 24, 2025, I will file a federal lawsuit in the U.S. District Court for the District of Columbia against all responsible parties, including judicial officers, court staff, MAA, and its attorneys, to vindicate my rights. This notice is submitted in good faith to provide the Court an opportunity to address these concerns internally and in accordance with its legal and ethical obligations.

1. Immediate Sixth Circuit Review and Adjudication of Case No. 24-6082

Request for Expedited Review

I respectfully request that the U.S. Court of Appeals for the Sixth Circuit immediately review and adjudicate the appellate briefing in Case No. 24-6082. The case is fully briefed, with all necessary filings submitted, yet no action has been taken. Given the severity of the issues raised, including significant due process violations, procedural irregularities, and judicial misconduct, it is imperative that the Court act without further delay. The continued delay in resolving this appeal inflicts greater harm, not only on me as the Defendant-Appellant, but also on the integrity of the judicial process itself.

The Need for Intervention

This appeal raises fundamental questions of fairness and judicial integrity. The District Court's judgment against me resulted from procedurally irregular and unjust measures, not a fair and impartial process. My right to conduct discovery was denied, and my trial was canceled, effectively preventing me from presenting a defense. The resulting judgment is therefore deeply flawed, as it was reached in a manner that violates basic principles of due process.

Additionally, serious concerns exist regarding the impartiality of the lower court proceedings. The record reflects a pattern of bias and misconduct, including the involvement of a judicial law clerk, Michael Kapellas, who previously worked for MAA's counsel and then played a role in drafting decisions adverse to me. This conflict of interest casts doubt on the fairness of the rulings. The lower court also failed to exercise independent scrutiny over MAA's litigation tactics, which included submitting altered evidence, issuing improper subpoenas, and making baseless accusations to justify invasive discovery. Rather than ensuring a fair process, the District Court permitted these abuses to proceed unchecked.

In light of these factors, immediate appellate review is warranted. The Sixth Circuit has a duty to ensure that lower court proceedings adhere to fundamental constitutional protections and that judgments are reached through fair and lawful means. Failure to correct these deficiencies would reinforce an unconstitutional judgment and undermine public confidence in the judicial system.

Legal Authority for Expedited Action

The Sixth Circuit possesses the authority to act expeditiously in cases involving serious due process concerns. Under Federal Rule of Appellate Procedure 2, the Court of Appeals may, for good cause, suspend any provision of the appellate rules and order proceedings as necessary to ensure justice. In this

case, the need for immediate action is compelling. The lower court's procedural missteps have tainted the outcome, and continued delay only exacerbates the harm.

Additionally, under 28 U.S.C. § 2106, the appellate court has broad authority to "vacate, set aside, or reverse" judgments reached through improper means. The record demonstrates that the District Court's rulings were influenced by conflicts of interest, procedural irregularities, and a lack of independent judicial oversight. These factors provide ample justification for the Sixth Circuit to intervene promptly and issue corrective relief.

The Ongoing Prejudice of Delay

This is not an ordinary civil appeal where standard timelines are appropriate. The underlying litigation was not a routine legal dispute but a retaliatory action designed to punish me for engaging in protected whistleblower activity. After I reported MAA's alleged fraudulent and anticompetitive conduct to federal authorities, the company launched this lawsuit to silence and intimidate me. MAA's litigation strategy focused on overwhelming me with procedural maneuvers designed to drain my resources and suppress my ability to challenge their conduct, rather than resolving a legitimate legal claim.

For the past four years, I have endured relentless harassment, legal intimidation, and reputational damage as a result of MAA's bad-faith litigation tactics. The District Court's failure to curb these abuses has allowed this retaliatory campaign to persist. Further delay by the Sixth Circuit would legitimize MAA's misuse of the judicial system and embolden similar abusive tactics in the future.

Given the urgency of these issues, I request that the Sixth Circuit take immediate steps to resolve this appeal. Whether by expediting oral argument or issuing a decision based on the briefs already submitted, prompt adjudication is necessary to ensure that justice is not further delayed. The stakes in this case extend beyond my individual circumstances; they implicate broader principles of fairness, due process,

and the role of the judiciary in preventing the misuse of legal proceedings. I trust that the Court will recognize the gravity of these concerns and act accordingly.

2. Sanctions Against MAA for Procedural Misconduct and Retaliation

Request for Sanctions

I respectfully request that the Sixth Circuit impose sanctions against Mid-America Apartment Communities, Inc. (MAA) and its legal counsel for their repeated and egregious misconduct, as well as their retaliatory abuse of the judicial process. The record in this case establishes a consistent pattern of bad-faith litigation tactics, many of which appear designed not to serve a legitimate legal purpose but to harass, intimidate, and suppress my ability to present a proper defense. If left unaddressed, this conduct threatens not only my individual rights but also the fundamental integrity of the judicial system. The Court must take appropriate action to hold MAA accountable and ensure that similar misconduct is not tolerated in future litigation.

Procedural Misconduct and Abusive Litigation Tactics

Throughout the district court proceedings, MAA and its counsel engaged in a pattern of procedural misconduct, manipulating the litigation process to gain an unfair advantage rather than to pursue a fair and just resolution. One of the most egregious examples was their misuse of subpoenas, which were improperly modified and issued without court authorization to obtain confidential information. The record reflects that MAA's counsel unilaterally altered court-approved subpoenas to broaden their scope beyond what was legally permitted, targeting sensitive and irrelevant information as a means of exerting pressure and intimidation.

This blatant disregard for Rule 45 of the Federal Rules of Civil Procedure, which governs the proper use of subpoenas, constitutes a serious ethical violation. Similarly, Rule 26, which requires that discovery be

conducted with proportionality and fairness, was ignored as MAA pursued an overly broad and burdensome discovery strategy that far exceeded any legitimate inquiry into the actual claims at issue.

Beyond their misuse of subpoenas, MAA's counsel engaged in obstructive and oppressive litigation tactics, including excessive document requests, meritless motions to compel, and intentional misrepresentations of fact to justify their actions. These strategies imposed unnecessary financial and personal burdens on me and further demonstrated a deliberate intent to manipulate the judicial process rather than resolve the case on its merits. The use of altered evidence and misleading statements in legal filings further underscores the need for sanctions, as such actions undermine the truth-seeking function of the court and severely prejudice my ability to present my case.

Additionally, MAA and its legal representatives made defamatory and inflammatory accusations, falsely alleging that I engaged in computer hacking, surveillance, and other criminal activities—allegations they never substantiated or pursued outside of litigation. These claims were not only baseless but were evidently made to prejudice the court against me and justify overly invasive discovery tactics. Notably, MAA never reported these accusations to law enforcement, further demonstrating that they were a pretext for harassment rather than legitimate legal claims. Courts have consistently condemned such bad-faith litigation tactics, and it is imperative that the Sixth Circuit take appropriate action to prevent such misconduct from influencing judicial outcomes.

Retaliatory Intent and Abuse of the Judicial System

MAA's misconduct must also be considered within the broader context of its retaliatory intent. This lawsuit was not initiated as a good-faith effort to resolve a legal dispute but rather as a targeted attack against me for engaging in protected whistleblower activity. After I reported MAA's fraudulent business practices and potential antitrust violations to federal authorities, the company initiated this litigation

under the pretense of a trademark dispute, effectively weaponizing the judicial system to intimidate and retaliate against me.

This pattern of conduct is well-documented in the appellate record, which demonstrates how MAA has leveraged litigation as a tool to silence me, drain my resources, and discourage further exposure of its misconduct. Courts have long recognized that lawsuits initiated for the purpose of retaliation or suppression of legally protected conduct constitute an abuse of process and warrant judicial intervention. In *Thomas v. Tenneco Packaging Co.*, the Sixth Circuit held that retaliatory legal actions designed to suppress protected activity are an affront to justice and must be addressed through appropriate sanctions. The facts of this case align closely with that precedent, as MAA's legal actions appear to have been motivated not by the pursuit of a valid legal claim, but rather by a broader effort to punish me for exposing its wrongdoing.

Beyond the impact on me personally, this type of retaliatory litigation has dangerous implications for the legal system as a whole. If permitted to stand, it would set a harmful precedent, signaling to other corporate actors that they may misuse the courts to suppress whistleblowers and other individuals who challenge unlawful conduct. The Sixth Circuit has a responsibility to prevent such abuses by imposing meaningful sanctions on MAA and its legal counsel.

Necessity of Sanctions to Protect the Integrity of the Judicial Process

Given the severity and persistence of MAA's misconduct, sanctions are essential to uphold the integrity of the judicial system and deter similar abuses in the future. Courts have broad authority to impose sanctions on parties that engage in bad-faith litigation tactics, both through their inherent powers and under statutory provisions such as 28 U.S.C. § 1927.

In *Chambers v. NASCO, Inc.*, the U.S. Supreme Court reaffirmed that courts possess inherent authority to impose sanctions on litigants and attorneys who engage in misconduct that constitutes an abuse of the judicial process. The Court held that such sanctions may include attorney’s fees, monetary penalties, and other disciplinary measures designed to deter future misconduct. Similarly, 28 U.S.C. § 1927 explicitly authorizes sanctions against attorneys who “unreasonably and vexatiously” multiply proceedings—which is precisely what MAA’s counsel has done in this case through the repeated filing of frivolous motions, improper discovery requests, and bad-faith procedural maneuvers.

Accordingly, I respectfully urge the Sixth Circuit to impose appropriate sanctions on MAA and its legal counsel. At a minimum, such sanctions should include monetary penalties and an award of my litigation costs incurred as a result of MAA’s bad-faith tactics. While I have proceeded pro se, the financial and personal burdens imposed upon me due to MAA’s abusive litigation practices have been significant. MAA should not be allowed to escape accountability simply because its target lacked formal legal representation.

Beyond addressing the harm in this case, the imposition of sanctions must also serve as a deterrent against similar abuses in future litigation. No party—regardless of its resources or legal standing—should be permitted to exploit the judicial system for improper purposes. No litigant should be subjected to retaliatory legal actions without recourse. By imposing meaningful sanctions in this case, the Sixth Circuit will not only rectify the harm suffered here but also send a strong and necessary message that bad-faith litigation will not be tolerated.

I trust that the Court will recognize the importance of preserving the integrity of the judicial process and take the appropriate measures to ensure that justice is served.

3. Rectification of Due Process Violations and Judicial Misconduct

Request for Judicial Review and Corrective Action

I respectfully request that the U.S. Court of Appeals for the Sixth Circuit conduct a thorough review and take corrective action to address multiple due process violations, instances of judicial misconduct, and procedural failures that occurred during the District Court proceedings in this case. It is imperative that the record is properly examined and that any actions by court personnel that fell short of the standards of impartial justice are addressed. This case raises significant concerns regarding procedural fairness and judicial integrity, and the judiciary has an obligation to ensure that these deficiencies are remedied.

In addition to the issues that arose in the District Court, the Sixth Circuit itself dismissed my initial appeal (Case No. 24-5614) for lack of jurisdiction, without substantive review of the underlying merits. The dismissal order, issued on September 5, 2024, stated that “*the May 6, 2024, order is not a final judgment for purposes of appeal,*” despite the fact that the order granted a permanent injunction, which is typically subject to immediate appeal. This decision, issued without meaningful consideration of the substantive issues, raises concerns about whether my appeal received the level of judicial scrutiny it warranted. Furthermore, the order was marked “*not for publication,*” further limiting transparency and accountability in the process.

Additionally, my judicial misconduct complaint against Chief Judge Sheryl H. Lipman was dismissed by the Circuit Executive’s office. The complaint was formally acknowledged on January 3, 2024, but was later dismissed on August 9, 2024, with the order stating that it lacked sufficient evidence, consisted of “*merely hypotheticals,*” and sought to challenge “*the merits of judicial decisions.*” This dismissal, along with the Sixth Circuit’s failure to substantively review my appeal, further compounds the due process concerns that have plagued this case from its inception.

Due Process Violations and Procedural Irregularities

The District Court proceedings were marked by significant due process violations and procedural irregularities that severely impacted my ability to receive a fair hearing. In addition to the unjustified stripping of my discovery and trial rights, procedural inconsistencies further undermined my ability to present my case.

- Motions and evidence submitted in my defense were either disregarded or given minimal consideration, while MAA's arguments were routinely approved with little to no scrutiny.
- The District Court failed to properly assess and address MAA's manipulated submissions and discovery abuses, despite clear indications of impropriety.
- The appellate record highlights that the District Court's handling of this case has called into question the legitimacy of the proceedings. The Court's apparent deference to MAA and disregard for my legal arguments deprived me of the neutral and balanced adjudication that due process requires.

The cumulative impact of these procedural failures effectively eliminated my ability to present a defense. A series of adverse rulings—many of which were drafted by a judicial law clerk rather than the presiding judge—culminated in a May 6, 2024, sanctions order that severely prejudiced my position. These decisions were issued without a full and fair review of my filings and objections, making it evident that my legal arguments were not given meaningful consideration.

I respectfully request that the Sixth Circuit conduct a comprehensive internal review of the docket to ensure that all filings, evidence, and legal arguments I submitted were properly examined. If any filings were overlooked or if rulings were issued without full consideration of the record, those errors must be acknowledged and, where possible, corrected. Even if jurisdiction currently lies with the Sixth Circuit, the District Court must be prepared to address these concerns upon remand.

Judicial Misconduct, Conflicts of Interest, and Failure to Recuse

In addition to procedural irregularities, serious concerns regarding judicial misconduct and conflicts of interest have emerged, raising further doubts about the impartiality of the District Court's rulings.

One particularly concerning issue is the involvement of judicial law clerk Michael Kapellas, who played a substantial role in drafting judicial orders against me while maintaining an undisclosed prior employment relationship with MAA's counsel. This conflict of interest is a direct violation of judicial ethics and calls into question the legitimacy of the rulings in my case. Canon 3 of the Code of Conduct for U.S. Judges requires impartiality and prohibits even the appearance of impropriety. However, in this case, those ethical obligations appear to have been disregarded, as a court employee with direct ties to opposing counsel actively participated in drafting orders that ruled in favor of his former employer's client.

The U.S. Supreme Court has made clear that undisclosed conflicts of interest erode judicial credibility. In *Liljeberg v. Health Services Acquisition Corp.*, the Court vacated a judgment after a judge failed to recuse himself due to an undisclosed conflict of interest. The parallels here are striking and deeply concerning. At the very least, the involvement of Mr. Kapellas should have been disclosed, and appropriate steps should have been taken to ensure that his prior affiliations did not improperly influence the outcome of this case. Unfortunately, no such corrective action was taken, further violating my right to a fair and impartial tribunal.

Additionally, I raised concerns that the presiding District Judge should have considered recusal or transferred the case due to apparent bias. The manner in which this case was handled—including the dismissal of my whistleblower status and the wholesale adoption of MAA's legal positions—reflects a troubling lack of impartiality. These concerns remain unaddressed, and judicial misconduct, whether committed by a judge or court staff acting under judicial approval, must not be ignored.

I respectfully request that the Circuit Executive's Office, which is responsible for overseeing the administration of the courts and handling judicial misconduct complaints, immediately investigate these concerns. Any procedural irregularities, undue influence exerted by MAA's counsel on court personnel, or deviations from standard legal processes must be brought to light and corrected.

Failure to Properly Review Filings and Lack of Independent Oversight

The District Court's failure to properly review my filings further compounded the due process violations in this case. A review of the case docket reveals that numerous substantive filings—including dispositive motions and objections—were either summarily denied or entirely ignored, while MAA's motions were routinely granted without meaningful judicial scrutiny.

Additionally, when MAA misrepresented facts and introduced altered evidence, the court failed to conduct an independent review. Instead, decisions were issued that relied on MAA's version of events without verification, raising further concerns about judicial impartiality.

The Circuit Executive and the Chief Judge of the Sixth Circuit must assess whether procedural failures occurred in the handling of this case. This includes determining whether the clerk's office and judicial chambers staff in the Western District of Tennessee properly followed all required procedures in docketing and presenting my filings to the judge for adjudication. If any filings were overlooked or rulings made without full knowledge of the record, immediate corrective action—such as vacating improper orders or granting nunc pro tunc relief—must be implemented.

Requested Action and Demand for Remedial Measures

This case has been irreparably tainted by judicial misconduct, egregious due process violations, and blatant prejudicial treatment. The proceedings have not only deprived me of fundamental legal rights but

have also defamed my character with false and baseless criminal accusations—including allegations of credit card fraud, unauthorized surveillance, tampering with physical mail, and bugging computers. These inflammatory and wholly unsubstantiated claims were strategically weaponized to mislead the court, justify invasive discovery, and irreparably damage my reputation. The court system must not permit such reckless misconduct to stand.

Given the severe nature of these violations, this case should not be remanded or further reviewed—it should be dismissed entirely. Allowing this case to proceed any further would be a complete failure of the judicial system and would set a dangerous precedent, signaling that courts may be used as a tool for harassment, defamation, and procedural manipulation.

I respectfully request that the Sixth Circuit take the following corrective actions immediately:

1. Acknowledge and formally recognize the procedural misconduct and due process violations that have plagued this case, including the improper involvement of judicial law clerk Michael Kapellas, the failure to review critical evidence, and the unjustified deprivation of my right to discovery and trial.
2. Condemn and discredit the baseless criminal accusations that have been falsely levied against me—including allegations of fraud, surveillance, mail tampering, and computer bugging—which were fabricated to prejudice the court against me and inflict reputational harm.
3. Vacate all rulings, sanctions, and judgments that resulted from these procedural and ethical violations. These decisions were rendered in an environment of judicial misconduct and have no legal validity.
4. Dismiss this case in its entirety with prejudice, ensuring that it cannot be further pursued in any form. The degree of misconduct involved makes any continuation of this matter an outright injustice.

This case represents a flagrant abuse of the judicial system, where court processes were manipulated to serve private interests rather than uphold the rule of law. The Sixth Circuit has an obligation to correct this grave miscarriage of justice by fully vacating all tainted rulings and permanently ending this baseless and retaliatory litigation.

4. Notice of Intent to File Federal Lawsuit if No Timely Corrective Action

Formal Notice and Request for Resolution

While I strongly prefer to see these issues resolved within the Sixth Circuit, I must make clear that if no corrective action is taken by March 24, 2025, I will have no choice but to pursue legal remedies through a federal civil action in the U.S. District Court for the District of Columbia. This lawsuit will seek redress for the violations of my constitutional rights, procedural failures, and due process violations that have resulted in significant harm. The intended defendants will include judicial officers and court staff who played a role in depriving me of my rights, as well as Mid-America Apartment Communities, Inc. (MAA) and its attorneys, who actively contributed to the misconduct. The objective of this litigation is to secure appropriate legal and equitable relief and to ensure that fundamental principles of justice are upheld within the judicial system.

Legal Basis for Litigation

It is unfortunate that matters have escalated to this point, but I must take all necessary steps to protect my rights. The contemplated lawsuit would assert claims for violations of my Fifth Amendment due process rights, as well as other applicable federal statutes, including Bivens claims for constitutional violations by federal officials and claims under 42 U.S.C. § 1985(2) for conspiracy to interfere with civil rights, particularly in light of the retaliation I have endured as a whistleblower. Additionally, MAA and its legal representatives would face legal consequences for abuse of process, malicious prosecution, and civil conspiracy, as their actions have caused direct and ongoing harm.

Beyond monetary damages, I will seek injunctive and declaratory relief, including a court ruling affirming that the conduct in this case violated my constitutional rights and an order mandating corrective action to address these injustices. The litigation will not only serve to rectify the violations I have personally suffered but also to prevent similar injustices from recurring in the future.

Jurisdiction in the U.S. District Court for the District of Columbia

Given the broad and systemic nature of the issues involved, the U.S. District Court for the District of Columbia is the appropriate venue for this lawsuit. The scope of this case extends beyond the Sixth Circuit, as it implicates federal officials and institutional misconduct that warrant national-level scrutiny. The District of Columbia is a neutral and proper jurisdiction for addressing claims against federal actors for constitutional violations and ensuring a fair review of the serious procedural and judicial failures that have occurred.

Additionally, certain retaliatory actions taken by MAA—including interference with federal whistleblower protections and obstruction of justice—have a direct nexus to Washington, D.C., where relevant federal agencies are headquartered. Filing in this jurisdiction ensures that my case is adjudicated without the influence of any local connections that may have contributed to the improper handling of my legal proceedings.

Final Opportunity to Avoid Litigation

The March 24, 2025 deadline represents a final opportunity for the Sixth Circuit to take meaningful steps to address the issues raised in this matter. I urge the Court to take this opportunity seriously. If there is clear evidence of corrective action—such as expedited appellate review or an acknowledgment of the due process violations with a commitment to remedy them—this matter may be resolved without

further legal escalation. However, in the absence of substantive action, I will proceed with my lawsuit in Washington, D.C., to ensure accountability and protect my rights.

This notice is not issued lightly, nor is it a reaction driven by frustration; rather, it is a necessary step to uphold due process and to prevent similar injustices from occurring in the future. I sincerely hope that the judiciary will recognize the severity of these concerns and take appropriate action to rectify them before further legal intervention becomes necessary.

Conclusion

I respectfully insist that the Sixth Circuit Court of Appeals address this notice with the seriousness and urgency it warrants. The concerns raised in this case go to the heart of judicial integrity and the protection of litigants' rights. The Court is at a pivotal moment where immediate action is required to prevent a severe miscarriage of justice. I ask that this letter be treated as an official demand for remedial measures and as a good-faith notice of intent to seek higher intervention if necessary.

Time is of the essence. March 24, 2025, is the deadline for visible and substantive steps toward addressing these issues. By that date, I hope to see:

1. The Sixth Circuit moving forward with a prompt review of Case No. 24-6082;
2. Action to impose sanctions on MAA for its misconduct; and
3. Engagement from the Sixth Circuit's administration to address the due process failures and ethical concerns that have emerged.

If these reasonable steps are taken, I believe justice can still be restored within the appellate process. If not, I will proceed with litigation in the U.S. District Court for the District of Columbia as outlined to ensure that my rights are fully protected.

I trust that the judiciary will uphold its duty to preserve the rule of law and take the necessary steps to prevent further injustice. Thank you for your prompt attention to these critical issues. I will continue to monitor the docket and anticipate corrective action.

Dated this 19th day of March 2025

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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March 2025, a true and correct copy of the foregoing **FORMAL NOTICE AND REQUEST FOR IMMEDIATE JUDICIAL ACTION** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

RECEIVED

3/18/25, 2:56 PM

MAR 19 2025

Gmail - Fwd: Memorandum for the Record in Case No. 24-6082



KELLY L. STEPHENS, Clerk

Dee Philips <mikeydphilips@gmail.com>

Fwd: Memorandum for the Record in Case No. 24-6082

Dee Philips <mikeydphilips@gmail.com>

Tue, Mar 18, 2025 at 2:47 PM

To: ca06_pro_se_efiling@ca6.uscourts.gov, kelly.stephens@ca6.uscourts.gov, mandy.shoemaker@ca6.uscourts.gov, roy.ford@ca6.uscourts.gov

Cc: Dee Philips <mikeydphilips@gmail.com>

Additionally, please confirm receipt at your earliest convenience. Thank you again!

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

From: Dee Philips <mikeydphilips@gmail.com>

Date: Tue, Mar 18, 2025 at 2:38 PM

Subject: Memorandum for the Record in Case No. 24-6082

To: <ca06_pro_se_efiling@ca6.uscourts.gov>

Cc: <kelly.stephens@ca6.uscourts.gov>, <mandy.shoemaker@ca6.uscourts.gov>, <roy.ford@ca6.uscourts.gov>, Dee Philips <mikeydphilips@gmail.com>

Dear Clerk's Office,

I hope everyone is doing well.

I am submitting the attached Memorandum for the Record: Notice of Cease and Desist, Intimidation, Harassment, and Reply to Certificate of Consultation for filing in Case No. 24-6082. Please upload this document to the docket at your earliest convenience.

Thank you for your time and assistance. Wishing you all a great week ahead!

If this is not uploaded in a timely manner, I will send it via express mail.

Dennis Philipson
Pro Se Litigant

10 attachments

Exhibit G - 03-14-25 - Sixth Circuit - USPS Proof of Delivery.pdf
122K

03-18-25 - 24-6082 - MEMORANDUM FOR THE RECORD.pdf
123K

Exhibit I - 01-14-25 - Only Signed Proof of Delievery.pdf
1347K

Exhibit F - John Golwen Email.pdf
943K

Exhibit H - 2021 - Whistleblower Complaints.pdf
1932K

Exhibit B - Correspondance Between Opposing Counsel & Judges Email.pdf
766K

Exhibit D - MAA - Proposed Order Compelling Discovery Responses.pdf
125K

Exhibit C - MAA - Proposed Order Reopening Case.pdf
96K

Exhibit A - Golwen Certificate of Consultation.pdf
145K

*Include in
filing*

3/18/25, 2:56 PM

Gmail - Fwd: Memorandum for the Record in Case No. 24-6082



Exhibit E - Email to Both Courts, Judge, Clerks, Case Manager.pdf

1055K

*Include in
filing*

3/18/25, 2:58 PM

Gmail - Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Notice (Other)"



Dee Philips <mikeydphilips@gmail.com>

Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Notice (Other)"

1 message

cmecfhelpdesk@tnwd.uscourts.gov <cmecfhelpdesk@tnwd.uscourts.gov>

Tue, Mar 18, 2025 at 1:56 PM

To: courtmail@tnwd.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Western District of Tennessee

Notice of Electronic Filing

The following transaction was entered on 3/18/2025 at 12:56 PM CDT and filed on 3/18/2025

Case Name: Mid-America Apartment Communities, Inc. v. DOE-1 et al

Case Number: 2:23-cv-02186-SHL-cgc

Filer: Dennis Philipson

WARNING: CASE CLOSED on 11/01/2024

Document Number: 154

Docket Text:

MEMORANDUM FOR THE RECORD by Dennis Philipson (Attachments: # (1) Exhibit, # (2) Exhibit, # (3) Exhibit, # (4) Exhibit, # (5) Exhibit, # (6) Exhibit, # (7) Exhibit, # (8) Exhibit)(mf)

2:23-cv-02186-SHL-cgc Notice has been electronically mailed to:

John S. Golwen jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com

Jordan Elizabeth Thomas jordan.thomas@bassberry.com, kris.williams@bassberry.com

Paige Waldrop Mills pmills@bassberry.com, tmcclanahan@bassberry.com

Dennis Philipson mikeydphilips@gmail.com

2:23-cv-02186-SHL-cgc Notice will not be electronically mailed to:

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

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit

Original filename:n/a

Electronic document Stamp:

Please include
in filing in Court
Docket

3/18/25, 2:58 PM

Gmail - Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al "Notice (Other)"

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Document description:Exhibit

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit

Original filename:n/a

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Document description:Exhibit

Original filename:n/a

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Document description:Exhibit

Original filename:n/a

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d39341180d4e66fd2ed8d17c2fef11a233aed66313bb140a31b3d070b46d1]]

Include in filing

3/18/25, 2:57 PM

Gmail - Request for Filing – Memorandum for the Record in Case No. 2:23-cv-2186-SHL-cgc



Dee Philips <mikeydphilips@gmail.com>

Request for Filing – Memorandum for the Record in Case No. 2:23-cv-2186-SHL-cgc

Dee Philips <mikeydphilips@gmail.com>

Tue, Mar 18, 2025 at 1:32 PM

To: IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>

Cc: Dee Philips <mikeydphilips@gmail.com>

Dear Clerk's Office,










I am submitting the attached Memorandum for the Record: Notice of Cease and Desist, Intimidation, Harassment, and Reply to Certificate of Consultation for filing in Case No. 2:23-cv-2186-SHL-cgc. Please upload this document to the docket at your earliest convenience.

Kindly confirm once the filing has been processed.

Thank you for your time and assistance.

Dennis Philipson
Pro Se Litigant

9 attachments

-  **03-18-25 - MEMORANDUM FOR THE RECORD.pdf**
123K
-  **Exhibit G - 03-14-25 - Sixth Circuit - USPS Proof of Delivery.pdf**
122K
-  **Exhibit B - Correspondance Between Opposing Counsel & Judges Email.pdf**
766K
-  **Exhibit H - 2021 - Whistleblower Complaints.pdf**
1932K
-  **Exhibit D - MAA - Proposed Order Compelling Discovery Responses.pdf**
125K
-  **Exhibit C - MAA - Proposed Order Reopening Case.pdf**
96K
-  **Exhibit F - John Golwen Email.pdf**
943K
-  **Exhibit A - Golwen Certificate of Consultation.pdf**
145K
-  **Exhibit E - Email to Both Courts, Judge, Clerks, Case Manager.pdf**
1055K

please include

RECEIVED

Page 1 of 9

MAR 19 2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

MEMORANDUM FOR THE
RECORD

**MEMORANDUM FOR THE RECORD: NOTICE OF CEASE AND DESIST,
INTIMIDATION, HARASSMENT, AND REPLY TO CERTIFICATE OF
CONSULTATION**

On February 3, 2025, I, Dennis Philipson, proceeding pro se, formally issued a Cease and Desist letter to opposing counsel, John Golwen, Jordan Thomas, and Paige Mills of Bass, Berry & Sims PLC. This letter was officially recorded on the docket as Dkt No. 132 in Case No. 2:23-cv-02186-SHL-cgc. The Cease and Desist letter unequivocally directed opposing counsel to immediately cease all direct communications with me, whether via email or postal mail. It explicitly instructed them to file any and all necessary communications exclusively through the official docket of my pending appeal before the Sixth Circuit Court of Appeals. Prior to this formal, docketed notice, I had sent multiple emails to opposing counsel, clearly and repeatedly demanding an end to their direct contact. These prior requests, while not individually docketed, formed a clear pattern of communication establishing my preference and my right, analogous to that protected by Tennessee Rule of Professional Conduct 4.2, to be free from direct, harassing contact. The February 3rd Cease and Desist was a formalization of these prior requests. Despite these clear, repeated, and formally documented instructions, opposing counsel willfully, persistently, and in bad faith continued to engage in unauthorized direct communications, constituting a clear pattern of harassment, a blatant disregard for established legal procedure, a

violation of the principles underlying Tennessee Rule of Professional Conduct 4.2, and my rights as a litigant. This behavior violates fundamental principles of fair play and due process. This conduct, and the conduct described below, constitutes bad faith and is in direct violation of Federal Rule of Civil Procedure 11(b)(1), as it is clearly intended to harass and cause unnecessary delay.

On February 27, 2025, because of opposing counsel's continued and flagrant disregard for my explicit directives, I was compelled to issue a second formal reminder, reiterating the demands of the original Cease and Desist letter. This reminder was also formally docketed as Dkt No. 146 in Case No. 2:23-cv-02186-SHL-cgc, further solidifying the record of my objections to opposing counsel's conduct.

Despite these two formal notices, on March 13, 2025, opposing counsel, specifically Jordan Thomas, again deliberately violated my explicit instructions by copying me on two proposed orders that were emailed to the presiding Judge of the Western Tennessee District Court, myself, and other attorneys representing Mid-America Apartment Communities, Inc. (MAA) (Exhibit B). It is crucial to emphasize that, throughout the entirety of the litigation in Case No. 2:23-cv-02186-SHL-cgc, which involved the issuance of more than ten separate court orders, I had never been copied on any proposed orders submitted by opposing counsel. There is no requirement in the Local Rules of the Western District of Tennessee, nor in the Federal Rules of Civil Procedure, that mandates or even suggests that opposing counsel must serve proposed orders directly on the opposing party, particularly a pro se litigant who has explicitly requested all communications be made through the court docket. This sudden, unexplained, and unprecedented deviation from established procedural norms is highly suspicious and strongly suggests a calculated effort to use procedural mechanisms as a pretext for continued

unauthorized contact, designed to harass, intimidate, and undermine my ability to effectively litigate my case. This constitutes a further violation of Federal Rule of Civil Procedure 11(b)(1). The content of the proposed orders (Exhibits C and D) themselves further reveals the improper motives and bad faith behind opposing counsel's actions. Exhibit C is a proposed order seeking to reopen the case for the sole purpose of ruling on a Motion for Contempt against me. This motion is based on false and defamatory allegations that I violated a permanent injunction—an injunction, it should be noted, that was drafted by Michael Kapellas, then a Judicial Law Clerk, who had previously worked at Bass, Berry & Sims PLC, alongside Mr. Golwen, raising serious concerns about potential conflicts of interest and judicial impartiality, in violation of the principles articulated in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988). The motion baselessly accuses me of violating the injunction by: (1) sending emails to MAA employees; (2) creating or maintaining social media accounts; and (3) submitting more than fifty-five complaints to MAA's internal whistleblower platform. These allegations are not only demonstrably false but are also a blatant attempt to retaliate against me for exercising my protected right to report suspected wrongdoing through MAA's own internal whistleblower system. The fact that my original whistleblower complaint from 2021 was, according to my records, improperly deleted or removed by MAA, compelling me to file a new complaint to document MAA's ongoing deceptive business practices, further highlights the retaliatory nature of this motion. This constitutes a potential violation of SEC Rule 21F-17 (17 CFR § 240.21F-17), prohibiting interference with whistleblower communications, and the Sarbanes-Oxley Act (18 U.S.C. § 1519). The filing of this motion, based on false and retaliatory allegations, is a clear violation of Federal Rule of Civil Procedure 11(b)(1), 11(b)(2), and 11(b)(3), and Tennessee Rules of Professional Conduct 3.1 and 8.4.

Exhibit D is a proposed order seeking to compel discovery responses, premised on the false claim that I refused to comply with discovery obligations and that I responded to MAA's discovery requests with an email containing an expletive. This motion, like Exhibit C, was filed in direct contravention of my explicit and repeated instructions that I would not respond to direct communications and that all legal matters must be formally filed on the docket of the Sixth Circuit Court of Appeals. This motion is another violation of Federal Rule of Civil Procedure 11(b)(1), 11(b)(2), and 11(b)(3), and Tennessee Rules of Professional Conduct 3.1 and 8.4. Following my continued insistence that opposing counsel cease and desist from all unauthorized direct communication, Mr. Golwen, in a further act of defiance and bad faith, again emailed me directly on March 14, 2025 (Exhibit F). In this email, Mr. Golwen made assertions regarding my supposed obligation to file a motion to stay in the district court and, again, falsely characterized my previous correspondence as "profanity-laced." This email constitutes yet another attempt to legitimize a fraudulently obtained \$600,000 judgment against me—a judgment obtained through the presentation of demonstrably false and defamatory allegations, including, but not limited to, completely unsubstantiated claims that I engaged in criminal acts such as: (1) opening a credit card in the name of Paige Mills and her husband; (2) stalking my former supervisor, Jay Blackman, by allegedly posting a positive review of a Baskin-Robbins store and physically tampering with his mail; and (3) installing electronic surveillance equipment on MAA's computer systems. These allegations are not only utterly false but were presented with malicious intent to damage my reputation and prejudice the court. Mr. Golwen's email, and his mischaracterization of my communication, constitute violations of Tennessee Rules of Professional Conduct 3.3, 4.2, and 8.4, and Federal Rule of Civil Procedure 11(b)(1) and 11(b)(3).

Subsequently, Mr. Golwen filed a Certificate of Consultation (Exhibit A) on the closed district court docket, misleadingly claiming that my communications were "profanity-laced." This assertion is demonstrably false, a deliberate misrepresentation, and a clear attempt to further prejudice the court against me. The isolated use of a single expletive, in response to repeated and unauthorized direct contact, does not, under any reasonable or legal definition, constitute "profanity-laced" communication. The term "laced" implies a pervasive, repeated, and interwoven pattern of profanity, which is simply not supported by the factual record. This misrepresentation is a further violation of Tennessee Rule of Professional Conduct 3.3 and Federal Rule of Civil Procedure 11(b)(3).

Given opposing counsel's persistent and egregious misconduct, I was compelled to include multiple court employees in my communications to ensure a comprehensive record of these events. These individuals include the presiding Judge of the Western Tennessee District Court, court employees Mandy Shoemaker and Kelly Stephens of the Sixth Circuit Court of Appeals Clerk's Office, my assigned Sixth Circuit Case Manager, Roy Ford, and additional employees within the Sixth Circuit Court Clerk's Office (Exhibit E). Despite these notifications, during a telephone conversation with Mr. Ford, he exhibited a dismissive and seemingly annoyed demeanor, offering no substantive assistance or clarification regarding the procedural status of my appeal. Furthermore, I have made multiple, formal, written requests for reasonable accommodations, specifically requesting communication via electronic means, to facilitate timely access to information and ensure my ability to effectively participate in the appellate process. These requests have been consistently and unjustifiably disregarded by the Sixth Circuit Court, significantly hindering my ability to obtain crucial procedural updates and participate in my appeal.

Moreover, express mail submissions, which I have been forced to use due to the Sixth Circuit's refusal of electronic communication and the delayed docketing of my filings, sent directly to the Sixth Circuit Court Clerk's Office, have been repeatedly accepted by unidentified individuals who have provided illegible signatures, thereby obstructing accountability and making it impossible to verify who received these crucial legal documents (Exhibit G, and previous delivery confirmations). This practice, particularly within a court of law, raises serious concerns about procedural integrity and due process. The Sixth Circuit Court's delays in uploading my submissions to the electronic docket further exacerbate these difficulties.

The underlying district court proceedings were, from their very inception, tainted by substantial procedural and ethical irregularities. These irregularities are so severe that they invoke the "fruit of the poisonous tree" doctrine, as established in *Wong Sun v. United States*, 371 U.S. 471 (1963). The initial proceedings, where I was improperly involved only as a witness in the plaintiff's retaliation case, were fundamentally flawed and should have been dismissed ab initio. The initial, improper inclusion of Mr. Philipson as a witness, despite his lack of direct involvement in the underlying retaliation claim, set in motion a chain of events that directly resulted in the subsequent, unwarranted, and retaliatory actions taken against him by MAA and its counsel. This initial procedural error tainted the entire process, rendering all subsequent actions against Mr. Philipson "fruit of the poisonous tree" under *Wong Sun*.

Of particular concern are the undisclosed conflicts of interest that permeate this case.

Specifically, Michael Kapellas, the judicial law clerk for the presiding Judge of the Western Tennessee District Court, was previously employed at Bass, Berry & Sims PLC, the same firm representing MAA, and had previously worked on cases with Mr. Golwen. This prior professional relationship, and Mr. Kapellas's continued listing as an attorney on the firm's

website while serving as a judicial law clerk, creates, at the very least, the appearance of impropriety and raises grave concerns about the impartiality of the judicial process in this matter. This failure to disclose violates the fundamental principles of judicial ethics and the requirement for recusal in cases where impartiality might reasonably be questioned, as articulated in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

Additionally, I recently discovered that Joe Fracchia, a CPA, who for some reason now holds the position of Executive VP, Chief Technology & Innovation Officer at this REIT, also serves on the board of the Memphis Public Safety Institute (PSI), an organization founded by Bill Gibbons, whose spouse is a Judge on the Sixth Circuit Court of Appeals. While I am not making any accusations of improper influence, it is noteworthy that MAA has donated substantial sums to PSI. Given the broader context of this case, this connection raises reasonable concerns.

Unfortunately, these recent findings only add to my ongoing questions and doubts about the fairness and impartiality of these proceedings.

Finally, MAA's deletion of my original 2021 whistleblower complaint (exhibit H) constitutes a potential violation of SEC record-retention rules and a clear violation of SEC Rule 21F-17 (17 CFR § 240.21F-17), which expressly prohibits any action that impedes an individual's ability to communicate with the SEC about potential securities law violations. This conduct may also constitute a violation of the Sarbanes-Oxley Act (18 U.S.C. § 1519), which criminalizes the destruction or alteration of records with the intent to obstruct an investigation.

Opposing counsel's actions are a deliberate attempt to circumvent the appellate process and to prejudice the Sixth Circuit Court of Appeals by creating a false and negative impression of Mr. Philipson before the Court has had the opportunity to review the merits of his appeal.

Page 8 of 9

Dated this 18th day of March 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in black 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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

Page 9 of 9

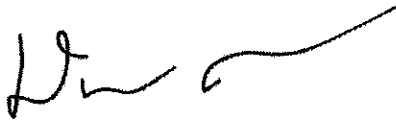
CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March 2025, a true and correct copy of the foregoing MEMORANDUM FOR THE RECORD: NOTICE OF CEASE AND DESIST, INTIMIDATION, HARASSMENT, AND REPLY TO CERTIFICATE OF CONSULTATION was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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

Exhibit A

Case 2:23-cv-02186-SHL-cgc Document 151 Filed 03/14/25 Page 1 of 3
 PageID 2638

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

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

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

CERTIFICATE OF CONSULTATION

The undersigned counsel has received numerous profanity-laced emails from Mr. Philipson opposing MAA's discovery and motions. The undersigned specifically conferred with Mr. Philipson via email on March 14, 2025 to confirm that his previous emails using profanity did constitute his opposition to responding to MAA's discovery and the relief sought in MAA's pending motions. In response to the undersigned counsel's email, Mr. Philipson responded "Take the proposed order and shove it up your a**. For the eight [sic] time. Do not email me." Mr. Philipson then further communicated, "Do not email me again. Do not mail me." The undersigned counsel has no other means to communicate with Mr. Philipson for consultation purposes.

Respectfully Submitted,

/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

Case 2:23-cv-02186-SHL-cgc Document 151 Filed 03/14/25 Page 2 of 3
PageID 2639

Tel: (901) 543-5903
Fax: (615) 742-6293
jgolwen@bassberry.com
jordan.thomas@bassberry.com

Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
pmills@bassberry.com

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

Case 2:23-cv-02186-SHL-cgc Document 151 Filed 03/14/25 Page 3 of 3
PageID 2640

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2025 the forgoing was served on the individual below by the ECF filing system:

Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310

/s/ John Golwen

John Golwen

Exhibit B

mikeydphilips@gmail.com

From: Thomas, Jordan <jordan.thomas@bassberry.com>
Sent: Thursday, March 13, 2025 2:06 PM
To: ECF_Judge_Lipman@tnwd.uscourts.gov
Cc: Golwen, John S.; Mills, Paige; MikeydPhilips@gmail.com
Subject: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses
Attachments: MAA - Proposed Order Reopening Case(46866044).docx; MAA - Proposed Order Compelling Discovery Responses(46866121).docx

Attached are proposed Orders Granting MAA's Motion to Reopen Case and Granting MAA's Motion to Compel Discovery Responses in Aid of Execution.

Please let us know if you have any problems accessing the documents.

Thanks,

Jordan Thomas

BASS BERRY + SIMS

Jordan Thomas
Associate

Bass, Berry & Sims PLC
The Tower at Peabody Place 100 Peabody Place, Suite 1300 • Memphis, TN 38103
901-543-5966 phone
jordan.thomas@bassberry.com • www.bassberry.com
[map](#)

LexMundi Member

Exhibit C

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

MID-AMERICA APARTMENT ,)	
COMMUNITIES, INC.)	
Plaintiff,)	
)	
v.	)	Docket No. 2:23-cv-02186-SHL-cgc
	)	JURY DEMAND
DENNIS PHILIPSON)	
)	
Defendant.)	

ORDER TO REOPEN CASE

Plaintiff, Mid-America Apartment Communities, Inc (“MAA”) has moved for this Court to reopen its case against Defendant Dennis Philipson (“Philipson”) in order to rule on its pending Motion for Contempt against Philipson. Based on Plaintiff’ Motion and the entire record in this case, the Court finds that MAA’s Motion is well-taken and should be granted.

1. The record reflects that after this Court granted a Permanent Injunction Philipson violated Paragraph 6, 8, 9, and 11(j) by sending emails to hundreds of MAA employees, creating or maintaining certain social media accounts and submitting more than 55 duplicative and frivolous complaints to MAA’s internal whistleblower platform.

2. The record reflects that after MAA filed its Motion for Contempt and this Court entered Judgment against him, Philipson continues to violate the Permanent Injunction by attempting to email MAA personnel, using MAA personnel’s names and email addresses to apply for jobs and signup for subscriptions, and abusing the Whistleblower Portal with false and defamatory allegations that have already been investigated numerous times and been determined to be without merit, sometimes filing multiple submissions per day.

3. Because MAA has motions pending before this Court, the Court finds that it is appropriate to reopen this case in order to rule on those pending motions.

It is therefore ORDERED, DECREED, and ADJUDGED that this case has been reopened.

This ____ day of _____, 2025.

Judge Sheryl H. Lipman

CERTIFICATE OF SERVICE

I hereby certify that the forgoing Proposed Order was served on the individual below by email:

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

This 13th Day of March, 2025.

/s/ John Golwen
John Golwen

Exhibit D

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

MID-AMERICA APARTMENT ,)	
COMMUNITIES, INC.)	
Plaintiff,)	
)	
v.	)	Docket No. 2:23-cv-02186-SHL-cgc
	)	JURY DEMAND
DENNIS PHILIPSON)	
)	
Defendant.)	

**ORDER COMPELLING DEFENDANT TO RESPOND TO PLAINTIFF'S DISCOVERY
REQUESTS**

Plaintiff, Mid-America Apartment Communities, Inc ("MAA") has moved for an order compelling Defendant Dennis Philipson ("Philipson") to respond to MAA's Discovery Requests in Aid of Execution. Based on Plaintiff's Motion and the entire record in this case, the Court finds that MAA's Motion is well-taken and should be granted.

1. The record reflects that on January 27, 2025, MAA served Philipson with its Discovery in Aid of Execution by mailing and emailing a copy to Philipson. In response to MAA counsel's email serving the discovery requests, Philipson replied with expletive language, insinuating that he would not be responding further.

2. Philipson made no other response to MAA's Discovery Requests and the deadline for responding has since passed.

3. Because Philipson failed to timely state any objections to MAA's Discovery Requests, he has waived his right to do so.

It is therefore ORDERED, DECREED, and ADJUDGED that Philipson is compelled to provide answers and responses to MAA's Discovery Requests. MAA is also rewarded its reasonable expenses, including attorneys' fees, incurred in bringing this motion.

This ____ day of _____, 2025.

Judge Sheryl H. Lipman

CERTIFICATE OF SERVICE

I hereby certify that the forgoing Proposed Order was served on the individual below by email:

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

This 13th Day of March, 2025.

/s/ John Golwen
John Golwen

Exhibit E

mikeydphilips@gmail.com

Subject: FW: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses

From: Dee Philips <mikeydphilips@gmail.com>

Sent: Friday, March 14, 2025 2:02 PM

To: jordan.thomas@bassberry.com; jgolwen@bassberry.com; PMills@bassberry.com; ecf_judge_lipman@tnwd.uscourts.gov; ca06_pro_se_efiling@ca6.uscourts.gov; kelly.stephens@ca6.uscourts.gov; mandy.shoemaker@ca6.uscourts.gov; intaketnwd@tnwd.uscourts.gov; roy.ford@ca6.uscourts.gov

Subject: Re: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses

Good morning courts,

Based on John's remarks regarding procedural matters, it appears that you and your colleagues at the Sixth Circuit Court intend to dismiss the appeal without substantive review—just as was done with the complaint I submitted to the Circuit Executive's Office and my initial appeal. The opposing counsel frequently emphasizes adherence to proper procedures, yet the handling of these matters suggests otherwise.

Additionally, I want to address the mischaracterization of my previous correspondence. A single swear word in an email does not meet the definition of being "laced" with profanity, which implies something interwoven throughout. I expect accuracy in how my communications are described.

In the past, your emails have been accusatory, misleading, and inappropriate. I have repeatedly requested that all communication be limited to the docket, yet I continue to receive direct emails and mailings that are unnecessary and intrusive. Many of these contained subpoenas not presented to the court, fabricated evidence, and other documents, such as Document Request Two, that were also never properly submitted. These materials are now in the possession of the Department of Justice.

Moreover, the claim that I opened a credit card in the names of Paige Mills and her husband is utterly ridiculous. These baseless allegations are not only defamatory but also damaging to my reputation. I am 42 years old and have never committed a crime—other than minor driving infractions. The fact that my name has been dragged through the mud and plastered all over the internet with false accusations is unacceptable.

I also find it funny that John Golwen previously worked with Michael Kapellas, —on the same cases, mind you—while Kapellas served as Judge Lipman's Judicial Law Clerk in 2020. I find it notable that, Mr. Kapellas' name was still listed on the Bass, Berry & Sims website as of 2025. Mr. Kapellas has authored numerous biased and unfounded orders against me, denied my motions, and insisted that I negotiate with the opposing party while accusing me of flouting the rules. I find it unacceptable that this clear conflict of interest between the law clerk and opposing counsel was not disclosed to me, and I only discovered it seven months into the case. This failure to disclose such a significant relationship would certainly explain the biased orders and treatment I have received. I am confident that the Supreme Court would find this equally unacceptable.

In *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), the Supreme Court emphasized the importance of avoiding even the appearance of impropriety in judicial proceedings. The Court held that a

**U.S. Department of Justice**

Criminal Division

*Office of Enforcement Operations**Washington, D.C. 20530***VIA Electronic Mail**

February 6, 2025

Mr. Fred Jackson
995 W 4th St
Benson AZ 85602-6566
FlapJack7500@hotmail.com

Request No. CRM-302432492
Subject: CRM Records Regarding
Misconduct in Tennessee Courts & Sixth
Circuit Court of Appeals by Employees

Dear Mr. Jackson

This acknowledges receipt of your Freedom of Information Act request dated February 5, 2024, seeking records maintained by the Criminal Division. Your request was received in this Office on February 6, 2025. The request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

- ☒ Your request has been received by the Freedom of Information Act/Privacy Act Unit and we are searching the section(s) most likely to maintain responsive records.
- ☒ Because your request presents "unusual circumstances" (See 5 U.S.C. § 552(a)(6)(B)(i)-(iii)), we are extending the time limit to respond to your request an additional ten days as provided by the statute.
- ☐ We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether the processing of your request will result in any assessable fees.
- ☐ We have not yet made a decision on your request for preferred fee status. We will do so after we determine whether the processing of your request will result in any assessable fees.
- ☒ Your request for expedited treatment has been:
 - ☒ Granted. Accordingly, your request has been assigned to a Government Information Specialist in this Office and we will respond to your request as soon as practicable.
 - ☐ Denied. You have not established that your request fits within any of the four U.S. Department of Justice standards for expedited treatment. If you are not satisfied with the Criminal Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA

judge's failure to disclose a conflict of interest—even one discovered after the case was decided—could warrant vacating the judgment. The decision reinforced that even the slightest conflict of interest must be disclosed to maintain the integrity of the judicial process and public confidence in the courts.

Given this precedent, the failure to disclose this conflict at the outset of my case is highly problematic and raises serious ethical and legal concerns

Additionally, Joe Fracchia of MAA serves on the board of Bill Gibbons' Institute, Memphis Public Safety, while Gibbons is married to a Sixth Circuit Appellate Court Judge. I certainly hope there is no improper influence or communication there. If you only knew the kinds of illegal practices Mid-America Apartment Communities Inc has been involved in, you would be shocked.

Lastly, I was under the impression that ex parte communication is not permitted. But I am sure, that this probably does not apply for this matter.

Have a good weekend!

Dennis Philipson

On Fri, Mar 14, 2025 at 12:57 PM Dee Philips <mikeydphilips@gmail.com> wrote:

John,

Furthermore, if the appeal is closed and the case is reopened, I will take all necessary steps to escalate this matter to the Supreme Court and any other appropriate judicial bodies. Additionally, I will pursue legal action in every state where MAA operates. Trust that I am fully prepared to take these measures.

I also find it completely unacceptable that MAA deleted my original whistleblower request from 2021. I believe this violates SEC retention rules. Additionally, I believe that cutting off my access to the SEC-mandated whistleblower system and potentially deleting my complaint may be a violation of SEC Rule 21F-17 (17 CFR § 240.21F-17), which prohibits interference with whistleblower communications. If records were deleted, this may also violate Sarbanes-Oxley (18 U.S.C. § 1519), which makes it illegal to destroy or alter records to obstruct an investigation.

I don't understand why MAA has not simply contacted the DOJ and the SEC—if there is nothing to hide, that would be the logical course of action. Why not inform them of my complaints and tell them I'm wrong? Perhaps your friends in government are supplying you with information, but trust me, they don't know half of it.

Dennis

On Fri, Mar 14, 2025, 12:46 PM Dee Philips <mikeydphilips@gmail.com> wrote:

John,

In addition, Profanity-laced emails? Seriously? I find it perplexing that, despite the 10 prior motions you and Mr. Kapellas have drafted, I have never been copied on any proposed orders to the judge's chambers. I have

repeatedly requested that you refrain from emailing or mailing me and instead upload all correspondence to the docket as required.

Since 2016, you and MAA have continuously harassed me with baseless claims, unfounded criminal accusations, and other frivolous matters. You are free to conduct your discovery as you see fit.

Your case is built on falsehoods, baseless accusations, and misleading claims. I have previously offered my laptops and cell phones for forensic examination—this is well-documented in my deposition transcript. Furthermore, all relevant documents and items are in the government's possession, and my complete FOIA request will not be fulfilled for another 24 months. If you require access to those materials, you are welcome to request them directly from the government or approve my subpoena.

I have repeatedly asked you to stop emailing me directly. I will use whatever language I deem appropriate in response. If your staff is genuinely shocked by common expletives, I find that difficult to believe.

Once again, I ask that you refrain from emailing me and ensure that all relevant correspondence is uploaded to the docket, as it should be. I am frankly tired of seeing unnecessary and unwarranted communication.

Do not email me again. Do not mail me.

Dennis

On Fri, Mar 14, 2025 at 12:29 PM Golwen, John S. <jgolwen@bassberry.com> wrote:

Mr. Philipson,

The practice in this Court is for counsel to copy the opposition on any email submission to the ECF mailbox. You have a right to see what proposed orders we submit for the court's consideration and that is why you are copied on it. The same holds true for you if you submit competing, proposed orders.

You have previously sent to MAA's counsel and our paralegals emails which include profanity that we obviously interpreted as your opposition to the discovery and related motions we have filed. As you know, the Judgment against you became final on December 2, 2024, i.e., 30 days after it was entered by the District Court. See Fed. R. Civ. P. 62(a). Pursuant to Federal Rule of Appellate Procedure 8(a), in order to obtain a stay of judgment pending appeal, you were required to file a motion in the District Court requesting a stay of the judgment pending appeal and/or for approval of a bond or other security provided to obtain a stay of judgment. See Fed. R. Civ. P. 8(a). You did not do so. As you

are also aware, Rule 62 of the Federal Rules of Civil Procedure requires a party seeking a stay to provide a bond or other security set by the Court. Because you did not seek a stay of this Court's judgment pending appeal, MAA has the right to proceed with execution of the judgment and to engage in discovery in aid of execution pursuant to Rule 69 of the Federal Rules of Civil Procedure pending the appeal in the 6th Circuit. In response to MAA's discovery, you chose to use profanity indicating clearly you would not respond. Additionally, the time frame then expired for formally responding to our discovery and you did not do so further confirming our conclusion that you have chosen to disregard it. Thus, MAA has filed a motion to re-open the District Court proceeding and a corresponding motion to compel about which you sent similar emails. We assumed from your use of profanity laced email responses that those constituted your expression of disagreement with the relief sought in our motions. However, in order to insure that we have fully conferred on these motions, if I somehow misunderstood your profanity-laced emails telling me, my law partner, associate and paralegals to "F@ck off and F#ck ourselves" please let me know. Otherwise, I assume we have consulted and you oppose the relief sought in our motion to re-open and motion to compel.

Thank you,

John Golwen
Member

Bass, Berry & Sims PLC
The Tower at Peabody Place - 100 Peabody Place, Suite 1300
Memphis, TN 38103-3672
901-543-5903 phone • (866)-627-4696 fax
jgolwen@bassberry.com • www.bassberry.com

From: Dee Philips <mikeydphilips@gmail.com>

Sent: Thursday, March 13, 2025 1:43 PM

To: Golwen, John S. <jgolwen@bassberry.com>

Subject: Re: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses

Dear Mr. Thomas,

I am not sure why you are copying me on this email—is this meant to intimidate me? I have already asked seven or eight times for you to stop emailing me and to upload all communications to the court docket where they belong.

Per Local Rule 7.2(a)(1)(A), proposed orders must be submitted to the ECF mailbox of the presiding judge, not opposing counsel. The rule says nothing about serving these directly to me, and your continued direct communication is improper. Ms. Mills previously used mail in an attempt to intimidate me, and I see this as more of the same harassment.

Do not email me again. Any necessary filings should be made through the official docket.

Dennis Philipson

On Thu, Mar 13, 2025 at 2:06 PM Thomas, Jordan <jordan.thomas@bassberry.com> wrote:

Attached are proposed Orders Granting MAA's Motion to Reopen Case and Granting MAA's Motion to Compel Discovery Responses in Aid of Execution.

Please let us know if you have any problems accessing the documents.

Thanks,

Jordan Thomas

BASS BERRY + SIMS

Jordan Thomas

Associate

Bass, Berry & Sims PLC

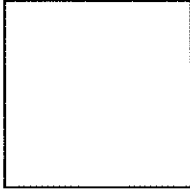
The Tower at Peabody Place 100 Peabody Place, Suite 1300 • Memphis, TN 38103

901-543-5966 phone

jordan.thomas@bassberry.com • www.bassberry.com

map

LexMundi Member



mikeydphilips@gmail.com

From: Golwen, John S. <jgolwen@bassberry.com>
Sent: Friday, March 14, 2025 12:30 PM
To: Dee Philips
Cc: Thomas, Jordan; Mills, Paige
Subject: RE: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses

Mr. Philipson,

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Thank you,



John Golwen
Member

Bass, Berry & Sims PLC
The Tower at Peabody Place - 100 Peabody Place, Suite 1300
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jgolwen@bassberry.com • www.bassberry.com

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To: Golwen, John S. <jgolwen@bassberry.com>
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Dennis Philipson

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Attached are proposed Orders Granting MAA's Motion to Reopen Case and Granting MAA's Motion to Compel Discovery Responses in Aid of Execution.

Please let us know if you have any problems accessing the documents.

Thanks,

Jordan Thomas

BASS BERRY + SIMS

Jordan Thomas

Associate

Bass, Berry & Sims PLC

The Tower at Peabody Place 100 Peabody Place, Suite 1300 • Memphis, TN 38103

901-543-5966 phone

jordan.thomas@bassberry.com • www.bassberry.com

map

LexMundi Member

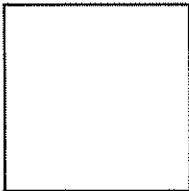


Exhibit G

3/17/25, 5:16 PM

Product Tracking & Reporting



March 17, 2025

Dear Postal Customer:

The following is in response to your request for proof of delivery on your item with the tracking number:
4204 5202 3905 9481 7301 0935 5000 3232 09.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 14, 2025, 12:26 pm
Location:	ZIP Code 45200
Postal Product:	Priority Mail Express 2-Day®
Extra Services:	PO to Addressee


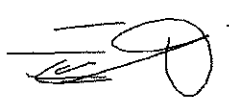
Signature Service
Up to \$100 insurance included

Recipient Name: Office of the Clerk

Actual Recipient Name: E C

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

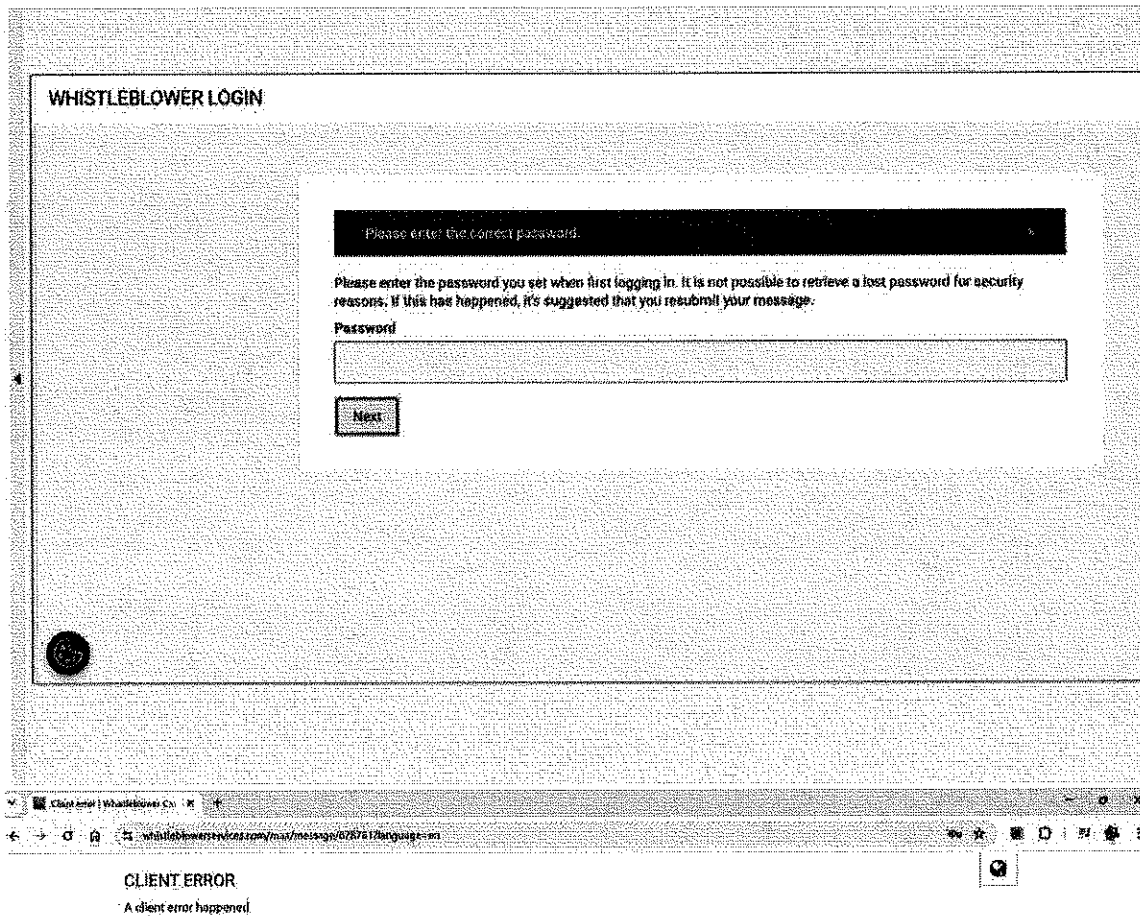
Sincerely,

United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Exhibit H

Table of Contents

02-03-2025 - Whistleblower Complaint Deleted From SEC MANDATED SYSTEM	2
04-06-2021 - Whistleblower Complaint - Accounting Practices & Racial Bias	3
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09-20-2021 - Whistleblower - Inaccurate Coding	18



2/3/25, 3:07 PM

Whistleblower | Whistleblower Case Management

WHISTLEBLOWER



Message Summary

Subject

Accounting Practices/Racial Bias

Type

Secure Web Form

Documents

None

Created

Tue, 04/06/2021 - 07:08

Original Message

Good morning,

I am just mentioning what I heard, all this should be looked into for accuracy.

First, I do not know if this is against policy, but it just does not seem right to me. I planned on bringing this up on the SVP visit, but seemed like they were on a tight schedule. In March 2021, I received a call from Jay Blackman asking how much I paid in pool expenses for 2020. I then was asked to compare it to Post Corners in Centreville's 2020 expenses. We found that Post Corners in Centreville had underpaid her 2020 by \$15,000. Now my response would be to let accounting know immediately and pay the bill for 2020 for \$15,000. From what I heard and I am not positive if this is accurate, the pool company was told that they need to work with Jay or else they would lose the contract. Jay seemed to blame Winkler for his lack of attention to detail and being able to catch this in 2020. Jay also said some pretty nasty things about Winkler and I know for a fact they are good at collecting money. From what I heard the \$15,000 is being paid in 2021, for services rendered in 2020 and split into payments. I also heard that some of this \$15,000 is being hidden in capital money by inflating some of the work that has actually been done. It is my understanding that regular life guard service is not a capital expense. Now, I do not know if this is against policy or just creative accounting. Also, I know there was another \$40,000 of bills that added up from another contractor at the same property earlier in 2020 Hopefully that all got accounted for correctly.

Secondly, I am tired of hearing Jay's borderline racist comments. He compares every black candidate we have interviewed to either ex employee Addi or Ronald from Post Pentagon Row. Most recently interviewed two black candidates, and his comment to me was "Oh, she was not like Addi at all." I do not understand how comparing her to someone that left the company two

2/3/25, 3:07 PM

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years ago is relevant. To me, I took that as, she is not "black or ghetto" like Addi. I am sorry, I look at everyone as an individual and to not bunch people into one group. I could go on about other situations, but it is not my place.
Thanks1

Comments

Displaying 1 - 12 of 12

Created

Mon, 07/08/2024 - 20:33

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

From: May

Date: Mon, Jul 8, 2024 at 8:30 PM

Subject: Philipson - 2:23-cv-02186 - Request for Update on Final Judgment and Scheduling Post-Judgment Meeting

To: , , ,

Cc: jgolwen@bassberry.com , , May ,

Dear Judge Lipman and Judge Claxton,

I am writing to request an update on the issuance of the final judgment in my case, which I had previously asked to be finalized by June 24th. I note with concern that this action has not yet been taken. In accordance with Tennessee Code Annotated § 16-3-804, which mandates the expeditious handling of judicial matters to avoid undue delay, I urge the court to act swiftly in resolving this case. The prompt administration of justice not only benefits the parties involved but also upholds the integrity of the judicial process.

Despite my clear request for the conclusion of this case, it appears that Ms. Mills continues to initiate additional work and further allegations. This ongoing activity is not only prolonging the proceedings unnecessarily but also increasing the associated costs significantly, which seems contrary to the efficient management of litigation as prescribed by Rule 1 of the Tennessee Rules of Civil Procedure, emphasizing the just, speedy, and inexpensive determination of every action.

Moreover, once the final judgment is issued, I would appreciate the opportunity to schedule an in-person meeting with both of you in Tennessee. The abrupt cancellation of the anticipated trial necessitates a discussion to address any outstanding matters and to ensure a comprehensive understanding of the judgment's implications. Given the abrupt cancellation of the anticipated trial, I would like to confirm the meeting details over the phone before making travel arrangements.

I trust that this matter will be attended to with the urgency it warrants, and I look forward to your prompt response.

Thank you for your attention to this pressing issue.

Sincerely,

2/3/25, 3:07 PM

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Dennis Philipson**Created**

Mon, 07/08/2024 - 19:57

Still waiting for the judgment please:

I write to you with profound disappointment regarding the conduct of your outside counsel and the broader ethical framework within MAA. It has become increasingly clear that your actions, particularly in handling whistleblower complaints, lack not only professional integrity but also legal compliance. These concerns are not merely observations but are rooted in significant breaches of legislative mandates and ethical norms.

Your decision to publicly disclose and misrepresent whistleblower complaints in the civil suit docket flagrantly violates the confidentiality protections under Section 806 of the Sarbanes-Oxley Act (SOX), codified at 18 U.S.C. § 1514A. This statute is designed to protect whistleblowers from retaliation, maintaining their anonymity to safeguard them from backlash. Moreover, these disclosures may also infringe upon Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. §§ 78u-6(h)), which further emphasizes whistleblower anonymity and provides monetary incentives for disclosures leading to successful enforcement actions. Ignoring these protections undermines the legislative intent and exposes your company to significant legal and reputational risks.

Equally troubling is the potentially defamatory nature of labeling these complaints as unfounded in public filings—a serious infringement of both Tennessee and Georgia state defamation laws. Under Tennessee Code Annotated § 29-20-205 and Georgia Code § 51-5-1, individuals are protected from false and damaging public statements that can harm their reputation. Such reckless behavior not only demonstrates a blatant disregard for these statutory protections but also exposes your company to defamation lawsuits within these jurisdictions, with potential demands for compensatory and punitive damages.

My statements regarding your company weremade in good faith. Despite my repeated requests for reports and clear answers to ensure that my concerns were addressed appropriately, I have been consistently ignored. Perhaps Mr. Glenn Russell is still working on the proper format for the report.

Instead, I find myself the target of a frivolous lawsuit, which clearly illustrates the problematic practices within your organization. It is noteworthy that the majority of the subsidiaries that remain are those established in the state of Georgia by Post Properties, perhaps because they were legally started or due to your legal entanglements in Atlanta. This downsizing of subsidiaries coincides suspiciously with the implementation of the Corporate Transparency Act, suggesting a strategic reduction in corporate structure just in time to meet new regulatory demands. This alignment raises serious questions about the transparency and legality of your corporate governance as you enact your succession plan and develop your executives.

The handling of sensitive information within these disclosures suggests a disregard for the Federal Rules of Civil Procedure, specifically Rules 26 and 31, which govern the discovery process to ensure that disclosure of sensitive information does not cause

2/3/25, 3:07 PM

Whistleblower | Whistleblower Case Management

undue harm. This misconduct, paired with violations of the American Bar Association's Model Rules of Professional Conduct—particularly Rules 1.6 on confidentiality and Rule 3.3 on candor toward the tribunal—highlights a disturbing pattern of ethical breaches.

Furthermore, the operation of your whistleblower hotline appears to be a facade. Despite providing concrete evidence of fraud involving a maintenance supervisor and a contractor within your "insurance program," no corrective action has been taken. This inaction, coupled with the rehiring of a witness from my EEOC complaint, illustrates a flagrant disregard for ethical standards and suggests systemic corruption within your operations.

I also regret to see that Mr. Golwen and Ms. Thomas have been entangled in your unethical practices, with Ms. Mills emerging as a particularly egregious offender. This situation demands not just acknowledgment but immediate corrective measures.

Your company's failure to address these issues appropriately not only undermines legal standards but also erodes the essential trust and integrity necessary for sustainable corporate governance and investor confidence. Corrective action is not optional but a legal and ethical imperative.

Created

Sun, 07/07/2024 - 16:46

To reiterate, the prior professional relationship between Mr. Michael Kapellas and Attorney John Golwen, now representing an opposing party, creates an undeniable and blatant conflict of interest that irrevocably taints this entire proceeding. This conflict not only violates the Tennessee Rules of Professional Conduct, but also calls into question the integrity of the Tennessee judiciary.

Tennessee Rules of Professional Conduct:

Rule 1.9(a) of the Tennessee Rules of Professional Conduct is unequivocal in its prohibition against a lawyer representing a client in a matter substantially related to a former representation where the interests of the current client are materially adverse to those of the former client. Mr. Golwen's representation of a party adverse to Mr. Kapellas clearly violates this fundamental ethical principle.

Further exacerbating this conflict, Rule 1.10(a) imputes Mr. Golwen's conflict to his entire firm, potentially disqualifying the entire firm from this litigation and raising serious concerns about the validity of any actions they have taken in this case.

Tennessee Supreme Court Rules and State Law:

Rule 10B of the Tennessee Supreme Court Rules, along with Title 29, Chapter 3, Part 3 of the Tennessee Code Annotated, provide additional and compelling reasons for Mr. Kapellas to recuse himself. The mere appearance of bias, let alone an actual conflict of interest, is sufficient grounds for recusal under Tennessee law.





The addition of Mr. Randolph Noel by MAA as a top legal representative to draft a declaration further complicates the ethical landscape by introducing a power dynamic that could be used to unduly influence or intimidate. This action could be critiqued under

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Federal Rule of Civil Procedure, Rule 11, which sanctions attorneys for presenting to the court arguments that are not warranted by existing law or that are made for any improper purpose, such as to harass or to cause unnecessary delay.

Documents

	Miller v. Autozone, Inc., 2020 U.S. Dist. LEXIS 206813 (1).pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Miller%20v.%20Autozone%2C%20Inc.%2C%202020%20U.S.%20Dist.%20LEXIS%20206813%20%281%29_0.pdf?language=en)	379.75 KB
	7-6-24 - Email to Attorney Noel.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/7-6-24%20-%20Email%20to%20Attorney%20Noel_0.pdf?language=en)	1.46 MB
	Results list for_Goiwen Kapellas.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Results%20list%20for_Goiwen%20Kapellas_0.pdf?language=en)	497 KB
	12-10-23 - Michael Kapellas - LinkedIn - Judicial Law Clerk.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/12-10-23%20-%20Michael%20Kapellas%20-%20LinkedIn%20-%20Judicial%20Law%20Clerk.pdf?language=en)	2.63 MB

Created

Sun, 07/07/2024 - 16:08

The involvement of Judicial Law Clerk Michael Kapellas, formerly employed by Bass, Berry & Sims PLC, in proceedings where he has issued several orders against the concerned party, raises grave ethical concerns. This complex scenario mandates a rigorous examination under the applicable professional conduct rules, ethical standards, case law, and local court rules to preserve the integrity and impartiality of the judicial process.

Legal Framework and Ethical Standards

1. Rule 1.12 of the ABA Model Rules of Professional Conduct:

- Text of the Rule: Rule 1.12(a) mandates that a lawyer should not participate in any matter where they previously engaged personally and substantially while serving as a judge, adjudicative officer, or law clerk unless all parties involved give informed consent, confirmed in writing.
- Application to Mr. Kapellas: Michael Kapellas' career path is crucial for assessing the application of Rule 1.12(a). His professional timeline includes:
 - o 2014-2015: Judicial Law Clerk in the Western Tennessee District.
 - o 2015-2020: Associate at Bass, Berry & Sims PLC.
 - o 2020-Present: Returned to a Judicial Law Clerk role in the Western Tennessee District.

These transitions highlight conflicts of interest:

- o Public to Private and Back to Public: Mr. Kapellas' shift from a public judicial role to private practice, and his return to the judiciary raises significant concerns under Rule 1.12(a), especially since he was part of a firm now representing an opposing party.
- o Direct Involvement in Litigation: His direct involvement with attorneys from Bass, Berry & Sims PLC, and his subsequent role in issuing orders against parties represented by his former employer critically undermines his perceived impartiality.

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Whistleblower | Whistleblower Case Management

o **Necessity for Informed Consent:** The comprehensive nature of Mr. Kapellas' professional engagements across both public and private sectors accentuates the paramount need for informed consent from all parties involved in the litigation. This requirement is substantiated by Rule 1.12 of the ABA Model Rules of Professional Conduct, which mandates that former judges, arbitrators, mediators, or law clerks must obtain informed consent from all parties before participating in matters where they had a prior involvement.

¶ Furthermore, Title 28 of the United States Code, Section 455, which deals with the disqualification of judges, justices, and magistrates, underscores the importance of avoiding the appearance of bias. It requires judges to recuse themselves from any proceedings in which their impartiality might reasonably be questioned. This legal mandate extends to judicial clerks when their previous associations could influence their objectivity.

¶ In civil trial contexts, Rule 3.7 of the Federal Rules of Civil Procedure also indirectly supports the need for informed consent by addressing lawyer as witness issues, which parallels concerns about a judicial officer's previous professional associations influencing ongoing duties.

o 2. Tennessee Rules of Professional Responsibility:

- Rule 1.12(a): This rule echoes the ABA Model Rule, prohibiting lawyers from participating in matters where they had significant prior involvement as an adjudicative officer unless all parties consent in writing.
- Relevance: This rule's alignment with Tennessee law emphasizes the importance of avoiding potential conflicts of interest and ensuring that all parties are fully informed and consenting.

3. Code of Conduct for Judicial Employees:

- Canon 3F(1): Judicial employees must avoid conflicts of interest in their duties. A conflict arises if an employee might be personally or financially affected by a matter, leading a reasonable person to question their impartiality.
- Analysis: Mr. Kapellas' cessation of employment with Bass, Berry & Sims in August 2020 does not negate the ongoing ethical considerations, particularly given his active role in issuing multiple orders against a party he previously represented. The elapsed time since his employment does little to dispel the legitimate concerns over bias.
- Canon 3F(2)(a): Restrictions dictate that judicial law clerks should avoid duties in matters where they exhibit personal bias, prior involvement as a lawyer, or financial interests.
- Implications: Although Mr. Kapellas did not directly handle the specific matter while at Bass, Berry & Sims, his substantial prior relationship with the firm and its attorneys now representing a party in the current case poses severe ethical challenges. Even without direct involvement, the appearance of impropriety is a significant concern, necessitating stringent ethical scrutiny.

Case Law and Judicial Precedents

1. *Duke v. Pfizer, Inc.*, 668 F. Supp. 1031 (E.D. Mich. 1987), aff'd, 867 F.2d 611 (6th Cir. 1989):

- Precedent: Established that a one- or two-year period of separation is often sufficient to mitigate concerns over potential conflicts of interest stemming from a judicial employee's

2/3/25, 3:07 PM

Whistleblower | Whistleblower Case Management

previous professional associations.

- Implication: Despite the significant time elapsed since Mr. Kapellas' employment at Bass, Berry & Sims, his subsequent actions involving issuing orders in cases against a party previously associated with the firm raise profound ethical concerns that go beyond mere procedural involvements and call into question deeper issues of judicial integrity and impartiality.

2. Xyngular Corp. v. Schenkel, 160 F. Supp. 3d 1290 (D. Utah 2016):

- Insight: Emphasizes that relationships of law clerks can cast doubts on the impartiality of judicial decisions, particularly when those relationships pertain directly to the parties involved in litigation.
- Application: Mr. Kapellas' role, combined with his previous direct involvement with a law firm representing a party, underscores a clear risk to perceived judicial fairness.

3. Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988):

- Precedent: In this decision, the Supreme Court underscored the importance of maintaining public confidence in the judiciary. It held that failure to recuse in circumstances of apparent conflicts could lead to decisions being overturned based on the appearance of partiality.
- Relevance: This ruling is directly applicable to Mr. Kapellas' situation. His prior employment and direct involvement in issuing orders against a former client of his past firm could significantly undermine public trust in the judiciary's impartiality and integrity.

4. Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009):

- Precedent: The Supreme Court ruled that extreme facts could create a probability of bias sufficient to require judicial recusal.
- Application: Mr. Kapellas' continued involvement in cases where his previous employer is representing a party presents an "extreme fact" scenario similar to Caperton, suggesting a high probability of perceived bias that may necessitate his recusal to maintain the essential trust of the judiciary.

5. In re Martinez-Catala, 129 F.3d 213 (1st Cir. 1997):







- Precedent: This case highlighted that even peripheral involvement by a judicial officer in matters involving former associates or interests could necessitate recusal to preserve the appearance of justice.
- Application: Given Mr. Kapellas' past association with a law firm now involved in litigation, and his authorship of orders against a party represented by that firm, the principles set forth in Martinez-Catala strongly support the argument for his recusal to avoid any appearance of bias or impropriety.

The aforementioned cases, including Duke, Xyngular, Liljeberg, Caperton, and Martinez-Catala, provide compelling legal precedent emphasizing the necessity for recusal in situations akin to Mr. Kapellas'. The substantial prior relationship with Bass, Berry & Sims PLC, his direct involvement in related litigation, and the issuance of multiple judicial orders against a party linked to his former firm collectively demand a thorough reassessment of his role. This reassessment is crucial to safeguarding the judicial process's integrity, ensuring impartiality, and maintaining public confidence in the judiciary.

Documents

2/3/25, 3:07 PM

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	Meta Data 1.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%201.png?language=en)	122.4 KB
	Meta Data 2.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%202.png?language=en)	279.67 KB
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	Meta Data 5.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%205.png?language=en)	90.5 KB
	Meta Data 4.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%204.png?language=en)	112.65 KB
	Meta Data 3.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2024-07-07/Meta%20Data%203.png?language=en)	91.37 KB

Created

Fri, 12/03/2021 - 11:51

Thank you for letting me know.

- 1) So when trees do not really fall down - it is ok to say that they did in order to consider them a causlty loss?
- 2) When you have a drywall leak, it is ok to consider this casualty loss even though 100 ft of drywall is not replaced according to your own definition of a causlty loss in the GL spreadsheet? Water remediation is causlty loss?
- 3) 40 million dollars of damage to an insurance company relating to a winter storm is reimbursed without any pictures or proper documentation? I thought you were self insured anyhow.
- 4) How are drains considered a causlty loss when no causlty loss has occured .

Ok, then I guess I was wrong. Thank you for letting me know.

You can consider this closed.

From

Mid-America Apartment Communities, Inc. Representative

Created

Fri, 12/03/2021 - 09:53

Thank you for your submissions to MAA's anonymous and confidential whistleblower center. We received your original concerns from April 2021 as well as September 2021, the attachments provided with each original submission, as well as your additional comments and attachments submitted after the original submissions. We have conducted a review of your allegations and have concluded that no questionable accounting, internal accounting controls or auditing matters had occurred relating to our accounting for spending on casualty loss items. You have indicated that more information may be forthcoming. We will review and consider any additional information that you provide. If you do not provide any additional information before December 10, 2021, we will consider this matter and all of your other submissions closed.

2/3/25, 3:07 PM

Whistleblower | Whistleblower Case Management

Created

Fri, 12/03/2021 - 08:29

I am also aware of times when MAA asked vendors to put storm damage or flood damage on their invoices, Brightview, Rupert, Sitetec, etc.

Created

Fri, 12/03/2021 - 08:21

See below for the email I sent on 12/1 to Glenn. I also emailed Glenn, I am not sure what NEW submission was added, and I commented 11/24 and 11/30 to my original submissions. I am not sure why Glenn would be curious if I submitted; I have been pretty open and honest with my submissions.

All I can say is this; I asked for clarification while working at MAA on casualty loss on multiple occasions (I have those emails as well). I was never provided clarification. I do not believe most of these items qualified as an actual casualty loss. I know I spoke to multiple managers, and they made jokes about putting things to casualty loss. I know Dennis Duke visited the property, and we put drains to casualty loss. I know I was instructed multiple times to claim items as a casualty loss. He also stated that is how you run a property. I provided email documentations.

I am not sure what is going on or why so many items are coded to casualty loss. I am not sure why some accountants argued that it was or was not. I am not sure why flood cleanup would be a casualty loss. Post Properties or Bozzuto did not code items like that. I worked for WashREIT with Bozzuto, and they did not have these types of codes. I also gave enough information about will NOT be speaking further with MAA on this matter. I am happy to speak to anyone from the SEC. If you are not going to provide the report of your findings, I can not be sure I was right with my "allegations."

Thank you,

12/1/2021

Hello again,

I wanted to add. I know what I know, and everything I have mentioned is the truth. I know what I witnessed over the last several years. I know you have current employees that have or are still committing "accounting errors." I also started receiving texts from current employees, assuming you started questioning them.

Again, being that MAA dismissed my comments when I was asked to leave the company, I have a hard time trusting anyone at MAA. MAA has always done what is best for them, not their employees or residents.

No offense to you; I would assume you need to be very ethical in your position.

I want to review the report from April to make sure I am not being portrayed as crazy, as MAA is making me seem in their position statement to the EEOC.

Again, nothing against you; you seem like a great honest person.

Dennis

2/3/25, 3:07 PM

Whistleblower | Whistleblower Case Management

On Wed, Dec 1, 2021, 2:51 PM Dennis Philipson wrote:
Hello Glenn,

I hope you had a nice Thanksgiving as well.

I am still waiting to hear back from my original submission from April.

Dennis

On Wed, Dec 1, 2021, 2:26 PM Russell, Glenn wrote:
Good afternoon Dennis.
Hope you had a good Thanksgiving.

I was curious if you submitted a NEW call into the whistleblower hotline on 11/24/21 in the evening?

Thank you
Glenn

Glenn Russell, CPA, CIA
SVP, Internal Audit
6815 Poplar Avenue, Suite 500
Germantown, TN 38138
P: 901-435-5412 M: 901-568-3052
www.maac.com

Created

Tue, 11/30/2021 - 13:52

Hello, I am checking to see if the report regarding my claim is available. Thank you.

Created

Wed, 11/24/2021 - 18:12

More info coming soon.

Created

Tue, 09/21/2021 - 14:00

The investigator and/or the Company's legal counsel, will contact, to the extent the identity of the person who files a report is known, each Company employee or contractor who files a Report to inform him or her of the results of the investigation and what, if any, corrective action was taken.

From

Mid-America Apartment Communities, Inc. Representative

Created

Tue, 04/06/2021 - 14:07

Thank you for making this submission so that we can review your concerns.

2/3/25, 3:07 PM

Whistleblower | Whistleblower Case Management

Anwar Brooks, Director of Employee Relations, will be reaching out to you through the email contact address you provided. He may also be joined by Glenn Russell, SVP of Internal Audit.

Please feel free to provide any additional information you wish to share either through this platform or directly with Anwar. Anwar can be reached by email at anwar.brooks@maac.com or by phone at 901-248-4123.

Add Comment

Message

^ Documents

 Add Comment

2/3/25, 3:11 PM

Whistleblower | Whistleblower Case Management

Welcome back to Whistleblower.

x

WHISTLEBLOWER



Message Summary

Subject

Harassment

Type

Secure Web Form

Documents[Screenshot_20210917-105728.png \(https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-105728.png?language=en\)](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-105728.png?language=en) 695.24 KB[Screenshot_20210917-105719.png \(https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-105719.png?language=en\)](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-105719.png?language=en) 726.93 KB[Screenshot_20210917-105707.png \(https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-105707.png?language=en\)](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-105707.png?language=en) 895.27 KB[2-19-21+Resident+Harrasement.pdf \(https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/2-19-21%2BResident%2BHarrasement.pdf?language=en\)](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/2-19-21%2BResident%2BHarrasement.pdf?language=en) 1.67 MB[Screenshot_20210917-104936.png \(https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-104936.png?language=en\)](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-104936.png?language=en) 2.3 MB[Screenshot_20210917-110015.png \(https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-110015.png?language=en\)](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-17/Screenshot_20210917-110015.png?language=en) 2.11 MB**Created**

Fri, 09/17/2021 - 11:00

Original Message

I spent 5 years working for this company and not only was harassed by residents also my direct supervisor, Mr Blackman. I had an issue with two residents harassing me and Jay dismissed the situation and told me to handle myself. Jay, constantly commented on my looks and weight where at one time I had to ask him to stop and tell them i was tired of these comments. For years, after I sent in medical documents saying I had a mental illness, he sent me "waterboy" memes, which I can only assume were commenting on my mental capacity. I

2/3/25, 3:11 PM

Whistleblower | Whistleblower Case Management

have attached a couple text messages and one email, though there are several in my archives dating back to 2017. I also, do not want to send anymore documents based on advice given. Please do not contact me, you should really look into this though. Oh, also you TA manager helped me have a new hire beat a drug test...I got proof of that as well. Just thought you should know. Thanks. Have a great day!!

Comments

Displaying 1 - 10 of 10

Created

Sun, 12/05/2021 - 08:53

You can close this submission and not contact me further. Dennis Philipson

Created

Wed, 11/24/2021 - 18:12

More info coming soon.

Created

Fri, 09/24/2021 - 08:56

OK, great - I am sure the EEOC will be able to settle this matter. Thanks again!

Created

Thu, 09/23/2021 - 07:47

please disregard, wrong portal.

Documents


11-8-2017 Amber Cato.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-23/11-8-2017%20Amber%20Cato_0.pdf?language=en)

919.77 KB

From

Mid-America Apartment Communities, Inc. Representative

Created

Wed, 09/22/2021 - 13:53

Thank you for reaching out. We have received your additional information. The concerns you have presented are currently being handled through the EEOC.

Created

Mon, 09/20/2021 - 20:23

2/3/25, 3:11 PM

Whistleblower | Whistleblower Case Management




This is my final attempt to bring this matter to MAAs attention. I have dozens more emails, texts, etc regarding Jay's childishness and harassing behavior while I was with MAA. Do something about it!! Again, I am not the first person to bring this up or will I be the last.

Created

Mon, 09/20/2021 - 20:20

Not

Documents




	Screenshot_20210920-201826.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Screenshot_20210920-201826.png?language=en)	1.34 MB
	Screenshot_20210920-201826.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Screenshot_20210920-201826_0.png?language=en)	1.34 MB
	Screenshot_20210920-201837.png (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Screenshot_20210920-201837.png?language=en)	861.85 KB

Created

Mon, 09/20/2021 - 19:04

additional emails

Documents

	Email 8-26-20 Innappropriate Meme.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Email%208-26-20%20Innappropriate%20Meme_0.pdf?language=en)	1.58 MB
	Email 9-22-20 Innappropriate Meme.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Email%209-22-20%20Innappropriate%20Meme_1.pdf?language=en)	1.18 MB
	email 11-16-20.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/email%2011-16-20_0.pdf?language=en)	1.23 MB

Created

Fri, 09/17/2021 - 14:45

Also, to Add, how MAA had Drew's back during the whole traumatic ordeal and court case with the resident, Reza.

Created

Fri, 09/17/2021 - 14:38

Also, to add, there were witnesses when I asked him to stop commenting on my weight, clothes etc. I continued to be mocked even after that encounter. Due to past experiences with individuals reporting Jay and my interaction with your ER department, reporting him

2/3/25, 3:11 PM

Whistleblower | Whistleblower Case Management

would have been useless. Not to mention, that your recent "investigation" did not even question any employees I had worked with in the past about harassment. All of them told me they were never even question. I heard inappropriate conversations regarding same sex with Kevin Curtis. I heard inappropriate things mentioned with Hannah Schindewolf. I heard race related comments with Addi. It is apparent that you do not do very thorough investigations.

Also, when a financial concern was brought up, nothing was done. I have an email, from the CEO of that company, saying " Jay and I worked this out. It is apparent, that you do not do adequate investigation even after I tried to give the opportunity for this.

Thanks. Have a great weekend.

Add Comment

Message

^ Documents

 Add Comment

1/17/25, 4:30 PM

Whistleblower | Whistleblower Case Management

WHISTLEBLOWER



Message Summary

Subject

Inaccurate Coding

Type

Secure Web Form

Documents3-12-21 Ice Storm Causalty.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causalty.pdf?language=en>)

1.31 MB

Fake Tree Removal 12-1-20.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Fake%20Tree%20Removal%2012-1-20.pdf?language=en>)

729.46 KB

email 9-30-21.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/email%209-30-21.pdf?language=en>)

1015.25 KB

Email 11-24-20.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Email%2011-24-20.pdf?language=en>)

1.18 MB

Post Tysons Corner SO 7370107.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Post%20Tysons%20Corner%20SO%207370107.pdf?language=en>)

2.39 MB

Post Tysons Corner SO 7370107.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Post%20Tysons%20Corner%20SO%207370107_0.pdf?language=en)

2.39 MB

3-12-21 Ice Storm Causalty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causalty_0.pdf?language=en)

1.31 MB

3-12-21 Ice Storm Causalty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causalty_1.pdf?language=en)

1.31 MB

Post Tysons Corner - Install Chalet Stone Boulders at Pool SO 7387824.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Post%20Tysons%20Corner%20-%20%20Install%20Chalet%20Stone%20%20Boulders%20at%20Pool%20SO%207387824.pdf?language=en>)

2.12 MB

email 9-30-21.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/email%209-30-21_0.pdf?language=en)

1015.25 KB

Created

Mon, 09/20/2021 - 13:13

1/17/25, 4:30 PM

Whistleblower | Whistleblower Case Management

Original Message

I had brought this type of info up before - and never received an update under the original whistleblower complaint. I have also filed whistleblower complaints with other agencies as well so they can double-check. I am not sure what kind of investigating you do, but it is straightforward to pull all invoices using GL Code CLS. These items are not casualty losses; they should be regular property expenses. There was no actual storm damage or casualty loss. I was instructed by RVP, SVP, RLD, and RSD on numerous occasions that these items should be casualty loss when they were not. I have attached a few emails to show some examples. There are other examples, and this is company-wide.

Comments

Displaying 1 - 25 of 35

Created

Fri, 01/17/2025 - 13:39

Email to Paige Mills, after asking repeatedly, not to contact.

DocumentsEmail to Page.pdf (<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-17/Email%20to%20Page.pdf?language=en>)

246.95 KB

Created

Fri, 01/17/2025 - 13:38

Email to Paige Mills

Created

Fri, 01/17/2025 - 13:32

Here's a screenshot of me notifying MAA executives—Melanie Carpenter, Tim Argo, Bradley Hill (the new CEO)—along with attorneys Golwen and Thomas, about the unethical actions occurring in the West Tennessee Court and the Sixth Circuit Court. These actions include judicial misconduct, multiple orders issued by Michael Kappellas without disclosing his conflicts of interest, ex parte communications, and more. Despite being fully informed, the attorneys and executives at MAA continue to show no interest in addressing or reviewing the facts of the case. Their inaction demonstrates complicity in the fraudulent activities happening at MAA and within the courts, including judicial misconduct, fraudulent actions by their attorneys and employees, accounting irregularities, misuse of internal insurance companies, antitrust violations, destruction of evidence, and numerous other serious issues.

Documents

1/17/25, 4:30 PM

Whistleblower | Whistleblower Case Management

Screenshot 2025-01-17 131808.png

(<https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-17/Screenshot%202025-01-17%20131808.png?language=en>)

397.31 KB

Created

Fri, 01/17/2025 - 13:26

Has anyone reached out to the Securities and Exchange Commission (SEC) or the Department of Justice (DOJ) to report my alleged "harassment" of employees or "abuse" of their required system? If none of my claims held any legitimacy, wouldn't it make sense for someone to involve them?

Created

Thu, 01/16/2025 - 16:33

I am continuing to document my concerns for Leslie Wolfgang, Melanie Carpenter, the new CEO, the new CFO, Glenn, the Board of Directors, and other executives at MAA.

Created

Thu, 01/16/2025 - 16:29

Show Cause Response

Documents**07-11-24 - 7-11-24 - No 24-5614 - Response to Order to Show Cause with Exhibits - Med**Compression.pdf ([https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-16/07-11-24%20-%207-11-24%20-%20No%2024-](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-16/07-11-24%20-%207-11-24%20-%20No%2024-5614%20-%20Response%20to%20Order%20to%20Show%20Cause%20with%20Exhibits%20-%20Med%20Compression.pdf?language=en)[5614%20-%20Response%20to%20Order%20to%20Show%20Cause%20with%20Exhibits%20-%20Med%20Compression.pdf?language=en](https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2025-01-16/07-11-24%20-%207-11-24%20-%20No%2024-5614%20-%20Response%20to%20Order%20to%20Show%20Cause%20with%20Exhibits%20-%20Med%20Compression.pdf?language=en))

23.81 MB

Created

Thu, 01/16/2025 - 16:27

Page 1 of 27

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

MID-AMERICA APARTMENT
COMMUNITIES, INC.,
Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,
Defendant-Appellant

)))

PRO SE APPELLANT BRIEF

) January 16, 2025

)

1/17/25, 4:30 PM

Whistleblower | Whistleblower Case Management

)

)Page 2 of 27

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Cases

• Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53 (2006)	16, 21
• Chambers v. NASCO, Inc., 501 U.S. 32 (1991)	16, 22
• Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)	3, 14, 19
• Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988)	13, 16, 22
• Seattle Times Co. v. Rhinehart, 467 U.S. 20 (1984)	5, 8, 11
• Securities and Exchange Commission v. CMKM Diamonds, Inc., 729 F.3d 1248 (9th Cir. 2013)	2, 13
• Thomas v. Tenneco Packaging Co., 293 F.3d 1306 (6th Cir. 2002)	17, 22
• Welch v. Chao, 536 F.3d 269 (4th Cir. 2008)	4, 7, 11, 17

Statutes

Exhibit I

Delivery Status

Tracking Number

4204520239059481730109355000219694

Status

Delivered, Left with Individual

2025-01-14 at Invalid Date

Delivered, Left with Individual

CINCINNATI, OH 45202

Delivered**View Tracking History** ▾**Details**

Account Number

116365422

Return Address

Print & Ship Express

3015 AIRWAYS BLVD
MEMPHIS, TN 38131-0110

MikeyDPhilips@gmail.com

Package

Legal Flat Rate Envelope

Delivery Address

Chief Judge Jeffrey S Sutton

United States Court of Appeals for
the Sixth Circuit100 E 5TH ST
CINCINNATI, OH 45202-3905

Service Type

Priority Mail Express®

Order Number

8B4D541B-03E6-4B5F-BD99-AB5C3DCAB36E**Service Type**Priority Mail Express® Legal Flat Rate
Envelope**Price**

\$28.20

Transaction Type

LABEL

Insurance

Free

USPS Tracking®

Free

Payment Method

AMEX-1000

Signature Confirmation™

Free

Hidden Postage

Free

Waiver of Signature

Payment Status

Account Charged

Label Total**\$28.20**



January 14, 2025

Dear ff ff:

The following is in response to your request for proof of delivery on your item with the tracking number:
4204 5202 3905 9481 7301 0935 5000 2196 94.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: January 14, 2025, 2:57 pm
Location: CINCINNATI, OH 45202
Postal Product: Priority Mail Express 2-Day®
Extra Services: PO to Addressee
Signature Service
Up to \$100 insurance included
Recipient Name: Chief Judge Jeffrey Sutton
Actual Recipient Name: P ELDER

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

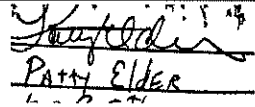
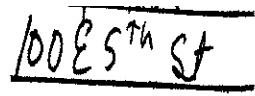
Shipment Details

Weight: 1lb, 0.0oz

Destination Delivery Address

Street Address: 100 E 5TH ST
City, State ZIP Code: CINCINNATI, OH 45202-3905

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

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scan the QR



USPS.COM/FLATRATE



<p>UNITED STATES POSTAL SERVICE</p> <p>Click-N-Ship®</p> <p>usps.com 9481 7301 0935 5000 3323 62 0275 0001 0004 3202</p> <p>US POSTAGE</p> <p>U.S. POSTAGE PAID</p> <p>Mailed from 22310 0165343021858641</p>	
<p>PRIORITY MAIL EXPRESS®</p>	
<p>PRINT & SHIP EXPRESS 300 E MAIN ST MEMPHIS TN 38181-0110</p> <p>SIGNATURE REQUIRED</p>	<p>03/19/2025</p> <p>Legal Flat Rate Envelope RDC 07 C023</p>
<p>USPS TRACKING #</p> <p>9481 7301 0935 5000 3323 62</p>	
<p>US COURT OF APPEALS FOR SIXTH CIRCUIT CLERK OF COURT 100 E 5TH ST CINCINNATI OH 45202-3905</p>	



MAR 24 2025

Page 1 of 1

KELLY L. STEPHENS, Clerk

COPY of Express Mailing and Emailed Filing**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT****Case No. 24-6082****MID-AMERICA APARTMENT COMMUNITIES, INC.,**
Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,
Defendant-Appellant**EMERGENCY MOTION FOR IMMEDIATE JUDICIAL ACTION****To:** United States Court of Appeals for the Sixth Circuit (Attn: Chief Judge and Circuit Executive)**From:** Dennis Michael Philipson, Defendant-Appellant (Pro Se)**Date:** March 19, 2025**Re:** Emergency Motion for Immediate Appellate Review, Sanctions for Misconduct, and Remedial Action – Formal Notice of Intent to Pursue Federal Litigation in the U.S. District Court for the District of Columbia if No Action by March 24, 2025

RECEIVED

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MAR 24 2025

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

24-6082

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

V.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

FORMAL NOTICE &
REQUEST FOR IMMEDIATE
JUDICIAL ACTION

EMERGENCY MOTION FOR IMMEDIATE JUDICIAL ACTION

To: United States Court of Appeals for the Sixth Circuit (Attn: Chief Judge and Circuit Executive)

From: Dennis Michael Philipson, Defendant-Appellant (pro se)

Date: March 19, 2025

Re: Emergency Motion for Immediate Appellate Review, Sanctions for Misconduct, and Remedial Action – Formal Notice of Intent to Pursue Federal Litigation in the U.S. District Court for the District of Columbia if No Action by March 24, 2025

Introduction and Background

This letter formally notifies the U.S. Court of Appeals for the Sixth Circuit of the urgent need for corrective action in *Mid-America Apartment Communities, Inc. v. Philipson*, Sixth Circuit Case No. 24-6082. As the pro se Defendant-Appellant, I respectfully request prompt judicial intervention due to extraordinary circumstances involving serious due process violations, procedural misconduct, and retaliatory litigation tactics by Mid-America Apartment Communities, Inc. (“MAA”) and its legal counsel. These issues have severely compromised the

integrity of the judicial process, necessitating immediate action to restore fairness and uphold the rule of law.

The appellate proceedings in this case are fully briefed and ripe for adjudication. My principal brief was submitted on January 16, 2025, and my reply brief on February 25, 2025. These filings detail extensive irregularities in the lower court proceedings, including the use of altered evidence, abusive discovery tactics, undisclosed conflicts of interest, and other due process violations. Despite the seriousness of these issues, there has been no indication of timely review or action by the Sixth Circuit. Consequently, I continue to suffer prejudice from a tainted judgment and ongoing retaliation stemming from this case.

Therefore, I urge the Sixth Circuit to take immediate corrective action. If meaningful steps are not taken by March 24, 2025, I will file a federal lawsuit in the U.S. District Court for the District of Columbia against all responsible parties, including judicial officers, court staff, MAA, and its attorneys, to vindicate my rights. This notice is submitted in good faith to provide the Court an opportunity to address these concerns internally and in accordance with its legal and ethical obligations.

1. Immediate Sixth Circuit Review and Adjudication of Case No. 24-6082

Request for Expedited Review

I respectfully request that the U.S. Court of Appeals for the Sixth Circuit immediately review and adjudicate the appellate briefing in Case No. 24-6082. The case is fully briefed, with all necessary filings submitted, yet no action has been taken. Given the severity of the issues raised, including significant due process violations, procedural irregularities, and judicial misconduct, it is imperative that the Court act without further delay. The continued delay in resolving this appeal inflicts greater harm, not only on me as the Defendant-Appellant, but also on the integrity of the judicial process itself.

The Need for Intervention

This appeal raises fundamental questions of fairness and judicial integrity. The District Court's judgment against me resulted from procedurally irregular and unjust measures, not a fair and impartial process. My right to conduct discovery was denied, and my trial was canceled, effectively preventing me from presenting a defense. The resulting judgment is therefore deeply flawed, as it was reached in a manner that violates basic principles of due process.

Additionally, serious concerns exist regarding the impartiality of the lower court proceedings. The record reflects a pattern of bias and misconduct, including the involvement of a judicial law clerk, Michael Kapellas, who previously worked for MAA's counsel and then played a role in drafting decisions adverse to me. This conflict of interest casts doubt on the fairness of the rulings. The lower court also failed to exercise independent scrutiny over MAA's litigation tactics, which included submitting altered evidence, issuing improper subpoenas, and making baseless accusations to justify invasive discovery. Rather than ensuring a fair process, the District Court permitted these abuses to proceed unchecked.

In light of these factors, immediate appellate review is warranted. The Sixth Circuit has a duty to ensure that lower court proceedings adhere to fundamental constitutional protections and that judgments are reached through fair and lawful means. Failure to correct these deficiencies would reinforce an unconstitutional judgment and undermine public confidence in the judicial system.

Legal Authority for Expedited Action

The Sixth Circuit possesses the authority to act expeditiously in cases involving serious due process concerns. Under Federal Rule of Appellate Procedure 2, the Court of Appeals may, for good cause, suspend any provision of the appellate rules and order proceedings as necessary to ensure justice. In this

case, the need for immediate action is compelling. The lower court's procedural missteps have tainted the outcome, and continued delay only exacerbates the harm.

Additionally, under 28 U.S.C. § 2106, the appellate court has broad authority to "vacate, set aside, or reverse" judgments reached through improper means. The record demonstrates that the District Court's rulings were influenced by conflicts of interest, procedural irregularities, and a lack of independent judicial oversight. These factors provide ample justification for the Sixth Circuit to intervene promptly and issue corrective relief.

The Ongoing Prejudice of Delay

This is not an ordinary civil appeal where standard timelines are appropriate. The underlying litigation was not a routine legal dispute but a retaliatory action designed to punish me for engaging in protected whistleblower activity. After I reported MAA's alleged fraudulent and anticompetitive conduct to federal authorities, the company launched this lawsuit to silence and intimidate me. MAA's litigation strategy focused on overwhelming me with procedural maneuvers designed to drain my resources and suppress my ability to challenge their conduct, rather than resolving a legitimate legal claim.

For the past four years, I have endured relentless harassment, legal intimidation, and reputational damage as a result of MAA's bad-faith litigation tactics. The District Court's failure to curb these abuses has allowed this retaliatory campaign to persist. Further delay by the Sixth Circuit would legitimize MAA's misuse of the judicial system and embolden similar abusive tactics in the future.

Given the urgency of these issues, I request that the Sixth Circuit take immediate steps to resolve this appeal. Whether by expediting oral argument or issuing a decision based on the briefs already submitted, prompt adjudication is necessary to ensure that justice is not further delayed. The stakes in this case extend beyond my individual circumstances; they implicate broader principles of fairness, due process,

and the role of the judiciary in preventing the misuse of legal proceedings. I trust that the Court will recognize the gravity of these concerns and act accordingly.

2. Sanctions Against MAA for Procedural Misconduct and Retaliation

Request for Sanctions

I respectfully request that the Sixth Circuit impose sanctions against Mid-America Apartment Communities, Inc. (MAA) and its legal counsel for their repeated and egregious misconduct, as well as their retaliatory abuse of the judicial process. The record in this case establishes a consistent pattern of bad-faith litigation tactics, many of which appear designed not to serve a legitimate legal purpose but to harass, intimidate, and suppress my ability to present a proper defense. If left unaddressed, this conduct threatens not only my individual rights but also the fundamental integrity of the judicial system. The Court must take appropriate action to hold MAA accountable and ensure that similar misconduct is not tolerated in future litigation.

Procedural Misconduct and Abusive Litigation Tactics

Throughout the district court proceedings, MAA and its counsel engaged in a pattern of procedural misconduct, manipulating the litigation process to gain an unfair advantage rather than to pursue a fair and just resolution. One of the most egregious examples was their misuse of subpoenas, which were improperly modified and issued without court authorization to obtain confidential information. The record reflects that MAA's counsel unilaterally altered court-approved subpoenas to broaden their scope beyond what was legally permitted, targeting sensitive and irrelevant information as a means of exerting pressure and intimidation.

This blatant disregard for Rule 45 of the Federal Rules of Civil Procedure, which governs the proper use of subpoenas, constitutes a serious ethical violation. Similarly, Rule 26, which requires that discovery be

conducted with proportionality and fairness, was ignored as MAA pursued an overly broad and burdensome discovery strategy that far exceeded any legitimate inquiry into the actual claims at issue.

Beyond their misuse of subpoenas, MAA's counsel engaged in obstructive and oppressive litigation tactics, including excessive document requests, meritless motions to compel, and intentional misrepresentations of fact to justify their actions. These strategies imposed unnecessary financial and personal burdens on me and further demonstrated a deliberate intent to manipulate the judicial process rather than resolve the case on its merits. The use of altered evidence and misleading statements in legal filings further underscores the need for sanctions, as such actions undermine the truth-seeking function of the court and severely prejudice my ability to present my case.

Additionally, MAA and its legal representatives made defamatory and inflammatory accusations, falsely alleging that I engaged in computer hacking, surveillance, and other criminal activities—allegations they never substantiated or pursued outside of litigation. These claims were not only baseless but were evidently made to prejudice the court against me and justify overly invasive discovery tactics. Notably, MAA never reported these accusations to law enforcement, further demonstrating that they were a pretext for harassment rather than legitimate legal claims. Courts have consistently condemned such bad-faith litigation tactics, and it is imperative that the Sixth Circuit take appropriate action to prevent such misconduct from influencing judicial outcomes.

Retaliatory Intent and Abuse of the Judicial System

MAA's misconduct must also be considered within the broader context of its retaliatory intent. This lawsuit was not initiated as a good-faith effort to resolve a legal dispute but rather as a targeted attack against me for engaging in protected whistleblower activity. After I reported MAA's fraudulent business practices and potential antitrust violations to federal authorities, the company initiated this litigation

under the pretense of a trademark dispute, effectively weaponizing the judicial system to intimidate and retaliate against me.

This pattern of conduct is well-documented in the appellate record, which demonstrates how MAA has leveraged litigation as a tool to silence me, drain my resources, and discourage further exposure of its misconduct. Courts have long recognized that lawsuits initiated for the purpose of retaliation or suppression of legally protected conduct constitute an abuse of process and warrant judicial intervention. In *Thomas v. Tenneco Packaging Co.*, the Sixth Circuit held that retaliatory legal actions designed to suppress protected activity are an affront to justice and must be addressed through appropriate sanctions. The facts of this case align closely with that precedent, as MAA's legal actions appear to have been motivated not by the pursuit of a valid legal claim, but rather by a broader effort to punish me for exposing its wrongdoing.

Beyond the impact on me personally, this type of retaliatory litigation has dangerous implications for the legal system as a whole. If permitted to stand, it would set a harmful precedent, signaling to other corporate actors that they may misuse the courts to suppress whistleblowers and other individuals who challenge unlawful conduct. The Sixth Circuit has a responsibility to prevent such abuses by imposing meaningful sanctions on MAA and its legal counsel.

Necessity of Sanctions to Protect the Integrity of the Judicial Process

Given the severity and persistence of MAA's misconduct, sanctions are essential to uphold the integrity of the judicial system and deter similar abuses in the future. Courts have broad authority to impose sanctions on parties that engage in bad-faith litigation tactics, both through their inherent powers and under statutory provisions such as 28 U.S.C. § 1927.

In *Chambers v. NASCO, Inc.*, the U.S. Supreme Court reaffirmed that courts possess inherent authority to impose sanctions on litigants and attorneys who engage in misconduct that constitutes an abuse of the judicial process. The Court held that such sanctions may include attorney's fees, monetary penalties, and other disciplinary measures designed to deter future misconduct. Similarly, 28 U.S.C. § 1927 explicitly authorizes sanctions against attorneys who "unreasonably and vexatiously" multiply proceedings—which is precisely what MAA's counsel has done in this case through the repeated filing of frivolous motions, improper discovery requests, and bad-faith procedural maneuvers.

Accordingly, I respectfully urge the Sixth Circuit to impose appropriate sanctions on MAA and its legal counsel. At a minimum, such sanctions should include monetary penalties and an award of my litigation costs incurred as a result of MAA's bad-faith tactics. While I have proceeded pro se, the financial and personal burdens imposed upon me due to MAA's abusive litigation practices have been significant. MAA should not be allowed to escape accountability simply because its target lacked formal legal representation.

Beyond addressing the harm in this case, the imposition of sanctions must also serve as a deterrent against similar abuses in future litigation. No party—regardless of its resources or legal standing—should be permitted to exploit the judicial system for improper purposes. No litigant should be subjected to retaliatory legal actions without recourse. By imposing meaningful sanctions in this case, the Sixth Circuit will not only rectify the harm suffered here but also send a strong and necessary message that bad-faith litigation will not be tolerated.

I trust that the Court will recognize the importance of preserving the integrity of the judicial process and take the appropriate measures to ensure that justice is served.

3. Rectification of Due Process Violations and Judicial Misconduct

Request for Judicial Review and Corrective Action

I respectfully request that the U.S. Court of Appeals for the Sixth Circuit conduct a thorough review and take corrective action to address multiple due process violations, instances of judicial misconduct, and procedural failures that occurred during the District Court proceedings in this case. It is imperative that the record is properly examined and that any actions by court personnel that fell short of the standards of impartial justice are addressed. This case raises significant concerns regarding procedural fairness and judicial integrity, and the judiciary has an obligation to ensure that these deficiencies are remedied.

In addition to the issues that arose in the District Court, the Sixth Circuit itself dismissed my initial appeal (Case No. 24-5614) for lack of jurisdiction, without substantive review of the underlying merits. The dismissal order, issued on September 5, 2024, stated that *"the May 6, 2024, order is not a final judgment for purposes of appeal,"* despite the fact that the order granted a permanent injunction, which is typically subject to immediate appeal. This decision, issued without meaningful consideration of the substantive issues, raises concerns about whether my appeal received the level of judicial scrutiny it warranted. Furthermore, the order was marked *"not for publication,"* further limiting transparency and accountability in the process.

Additionally, my judicial misconduct complaint against Chief Judge Sheryl H. Lipman was dismissed by the Circuit Executive's office. The complaint was formally acknowledged on January 3, 2024, but was later dismissed on August 9, 2024, with the order stating that it lacked sufficient evidence, consisted of *"merely hypotheticals,"* and sought to challenge *"the merits of judicial decisions."* This dismissal, along with the Sixth Circuit's failure to substantively review my appeal, further compounds the due process concerns that have plagued this case from its inception.

Due Process Violations and Procedural Irregularities

The District Court proceedings were marked by significant due process violations and procedural irregularities that severely impacted my ability to receive a fair hearing. In addition to the unjustified stripping of my discovery and trial rights, procedural inconsistencies further undermined my ability to present my case.

- Motions and evidence submitted in my defense were either disregarded or given minimal consideration, while MAA's arguments were routinely approved with little to no scrutiny.
- The District Court failed to properly assess and address MAA's manipulated submissions and discovery abuses, despite clear indications of impropriety.
- The appellate record highlights that the District Court's handling of this case has called into question the legitimacy of the proceedings. The Court's apparent deference to MAA and disregard for my legal arguments deprived me of the neutral and balanced adjudication that due process requires.

The cumulative impact of these procedural failures effectively eliminated my ability to present a defense. A series of adverse rulings—many of which were drafted by a judicial law clerk rather than the presiding judge—culminated in a May 6, 2024, sanctions order that severely prejudiced my position. These decisions were issued without a full and fair review of my filings and objections, making it evident that my legal arguments were not given meaningful consideration.

I respectfully request that the Sixth Circuit conduct a comprehensive internal review of the docket to ensure that all filings, evidence, and legal arguments I submitted were properly examined. If any filings were overlooked or if rulings were issued without full consideration of the record, those errors must be acknowledged and, where possible, corrected. Even if jurisdiction currently lies with the Sixth Circuit, the District Court must be prepared to address these concerns upon remand.

Judicial Misconduct, Conflicts of Interest, and Failure to Recuse

In addition to procedural irregularities, serious concerns regarding judicial misconduct and conflicts of interest have emerged, raising further doubts about the impartiality of the District Court's rulings.

One particularly concerning issue is the involvement of judicial law clerk Michael Kapellas, who played a substantial role in drafting judicial orders against me while maintaining an undisclosed prior employment relationship with MAA's counsel. This conflict of interest is a direct violation of judicial ethics and calls into question the legitimacy of the rulings in my case. Canon 3 of the Code of Conduct for U.S. Judges requires impartiality and prohibits even the appearance of impropriety. However, in this case, those ethical obligations appear to have been disregarded, as a court employee with direct ties to opposing counsel actively participated in drafting orders that ruled in favor of his former employer's client.

The U.S. Supreme Court has made clear that undisclosed conflicts of interest erode judicial credibility. In *Liljeberg v. Health Services Acquisition Corp.*, the Court vacated a judgment after a judge failed to recuse himself due to an undisclosed conflict of interest. The parallels here are striking and deeply concerning. At the very least, the involvement of Mr. Kapellas should have been disclosed, and appropriate steps should have been taken to ensure that his prior affiliations did not improperly influence the outcome of this case. Unfortunately, no such corrective action was taken, further violating my right to a fair and impartial tribunal.

Additionally, I raised concerns that the presiding District Judge should have considered recusal or transferred the case due to apparent bias. The manner in which this case was handled—including the dismissal of my whistleblower status and the wholesale adoption of MAA's legal positions—reflects a troubling lack of impartiality. These concerns remain unaddressed, and judicial misconduct, whether committed by a judge or court staff acting under judicial approval, must not be ignored.

I respectfully request that the Circuit Executive's Office, which is responsible for overseeing the administration of the courts and handling judicial misconduct complaints, immediately investigate these concerns. Any procedural irregularities, undue influence exerted by MAA's counsel on court personnel, or deviations from standard legal processes must be brought to light and corrected.

Failure to Properly Review Filings and Lack of Independent Oversight

The District Court's failure to properly review my filings further compounded the due process violations in this case. A review of the case docket reveals that numerous substantive filings—including dispositive motions and objections—were either summarily denied or entirely ignored, while MAA's motions were routinely granted without meaningful judicial scrutiny.

Additionally, when MAA misrepresented facts and introduced altered evidence, the court failed to conduct an independent review. Instead, decisions were issued that relied on MAA's version of events without verification, raising further concerns about judicial impartiality.

The Circuit Executive and the Chief Judge of the Sixth Circuit must assess whether procedural failures occurred in the handling of this case. This includes determining whether the clerk's office and judicial chambers staff in the Western District of Tennessee properly followed all required procedures in docketing and presenting my filings to the judge for adjudication. If any filings were overlooked or rulings made without full knowledge of the record, immediate corrective action—such as vacating improper orders or granting nunc pro tunc relief—must be implemented.

Requested Action and Demand for Remedial Measures

This case has been irreparably tainted by judicial misconduct, egregious due process violations, and blatant prejudicial treatment. The proceedings have not only deprived me of fundamental legal rights but

have also defamed my character with false and baseless criminal accusations—including allegations of credit card fraud, unauthorized surveillance, tampering with physical mail, and bugging computers. These inflammatory and wholly unsubstantiated claims were strategically weaponized to mislead the court, justify invasive discovery, and irreparably damage my reputation. The court system must not permit such reckless misconduct to stand.

Given the severe nature of these violations, this case should not be remanded or further reviewed—it should be dismissed entirely. Allowing this case to proceed any further would be a complete failure of the judicial system and would set a dangerous precedent, signaling that courts may be used as a tool for harassment, defamation, and procedural manipulation.

I respectfully request that the Sixth Circuit take the following corrective actions immediately:

1. Acknowledge and formally recognize the procedural misconduct and due process violations that have plagued this case, including the improper involvement of judicial law clerk Michael Kapellas, the failure to review critical evidence, and the unjustified deprivation of my right to discovery and trial.
2. Condemn and discredit the baseless criminal accusations that have been falsely levied against me—including allegations of fraud, surveillance, mail tampering, and computer bugging—which were fabricated to prejudice the court against me and inflict reputational harm.
3. Vacate all rulings, sanctions, and judgments that resulted from these procedural and ethical violations. These decisions were rendered in an environment of judicial misconduct and have no legal validity.
4. Dismiss this case in its entirety with prejudice, ensuring that it cannot be further pursued in any form. The degree of misconduct involved makes any continuation of this matter an outright injustice.

This case represents a flagrant abuse of the judicial system, where court processes were manipulated to serve private interests rather than uphold the rule of law. The Sixth Circuit has an obligation to correct this grave miscarriage of justice by fully vacating all tainted rulings and permanently ending this baseless and retaliatory litigation.

4. Notice of Intent to File Federal Lawsuit if No Timely Corrective Action

Formal Notice and Request for Resolution

While I strongly prefer to see these issues resolved within the Sixth Circuit, I must make clear that if no corrective action is taken by March 24, 2025, I will have no choice but to pursue legal remedies through a federal civil action in the U.S. District Court for the District of Columbia. This lawsuit will seek redress for the violations of my constitutional rights, procedural failures, and due process violations that have resulted in significant harm. The intended defendants will include judicial officers and court staff who played a role in depriving me of my rights, as well as Mid-America Apartment Communities, Inc. (MAA) and its attorneys, who actively contributed to the misconduct. The objective of this litigation is to secure appropriate legal and equitable relief and to ensure that fundamental principles of justice are upheld within the judicial system.

Legal Basis for Litigation

It is unfortunate that matters have escalated to this point, but I must take all necessary steps to protect my rights. The contemplated lawsuit would assert claims for violations of my Fifth Amendment due process rights, as well as other applicable federal statutes, including Bivens claims for constitutional violations by federal officials and claims under 42 U.S.C. § 1985(2) for conspiracy to interfere with civil rights, particularly in light of the retaliation I have endured as a whistleblower. Additionally, MAA and its legal representatives would face legal consequences for abuse of process, malicious prosecution, and civil conspiracy, as their actions have caused direct and ongoing harm.

Beyond monetary damages, I will seek injunctive and declaratory relief, including a court ruling affirming that the conduct in this case violated my constitutional rights and an order mandating corrective action to address these injustices. The litigation will not only serve to rectify the violations I have personally suffered but also to prevent similar injustices from recurring in the future.

Jurisdiction in the U.S. District Court for the District of Columbia

Given the broad and systemic nature of the issues involved, the U.S. District Court for the District of Columbia is the appropriate venue for this lawsuit. The scope of this case extends beyond the Sixth Circuit, as it implicates federal officials and institutional misconduct that warrant national-level scrutiny. The District of Columbia is a neutral and proper jurisdiction for addressing claims against federal actors for constitutional violations and ensuring a fair review of the serious procedural and judicial failures that have occurred.

Additionally, certain retaliatory actions taken by MAA—including interference with federal whistleblower protections and obstruction of justice—have a direct nexus to Washington, D.C., where relevant federal agencies are headquartered. Filing in this jurisdiction ensures that my case is adjudicated without the influence of any local connections that may have contributed to the improper handling of my legal proceedings.

Final Opportunity to Avoid Litigation

The March 24, 2025 deadline represents a final opportunity for the Sixth Circuit to take meaningful steps to address the issues raised in this matter. I urge the Court to take this opportunity seriously. If there is clear evidence of corrective action—such as expedited appellate review or an acknowledgment of the due process violations with a commitment to remedy them—this matter may be resolved without

further legal escalation. However, in the absence of substantive action, I will proceed with my lawsuit in Washington, D.C., to ensure accountability and protect my rights.

This notice is not issued lightly, nor is it a reaction driven by frustration; rather, it is a necessary step to uphold due process and to prevent similar injustices from occurring in the future. I sincerely hope that the judiciary will recognize the severity of these concerns and take appropriate action to rectify them before further legal intervention becomes necessary.

Conclusion

I respectfully insist that the Sixth Circuit Court of Appeals address this notice with the seriousness and urgency it warrants. The concerns raised in this case go to the heart of judicial integrity and the protection of litigants' rights. The Court is at a pivotal moment where immediate action is required to prevent a severe miscarriage of justice. I ask that this letter be treated as an official demand for remedial measures and as a good-faith notice of intent to seek higher intervention if necessary.

Time is of the essence. March 24, 2025, is the deadline for visible and substantive steps toward addressing these issues. By that date, I hope to see:

1. The Sixth Circuit moving forward with a prompt review of Case No. 24-6082;
2. Action to impose sanctions on MAA for its misconduct; and
3. Engagement from the Sixth Circuit's administration to address the due process failures and ethical concerns that have emerged.

If these reasonable steps are taken, I believe justice can still be restored within the appellate process. If not, I will proceed with litigation in the U.S. District Court for the District of Columbia as outlined to ensure that my rights are fully protected.

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I trust that the judiciary will uphold its duty to preserve the rule of law and take the necessary steps to prevent further injustice. Thank you for your prompt attention to these critical issues. I will continue to monitor the docket and anticipate corrective action.

Dated this 19th day of March 2025

A handwritten signature in black ink, appearing to read 'Dennis Michael Philipson', with a stylized flourish at the end.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
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Alexandria, VA 22310

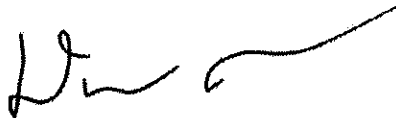
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March 2025, a true and correct copy of the foregoing **FORMAL NOTICE AND REQUEST FOR IMMEDIATE JUDICIAL ACTION** was served via PACER on the following counsel of record:





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/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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MAR 24 2025

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CASE NO. 24-6082

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MID-AMERICA APARTMENT COMMUNITIES,

Plaintiff/Appellee,

v.

DENNIS PHILIPSON,

Defendant/Appellant.

On Appeal from the United States District Court
for the Western District of Tennessee
Case No. 2:23-cv-02186, Hon. Sheryl H. Lipman

**MID-AMERICA APARTMENT COMMUNITIES, INC. RESPONSE TO
PHILIPSON’S EMERGENCY MOTION FOR IMMEDIATE JUDICIAL
ACTION**

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Counsel for Appellee

Appellee Mid-America Apartment Communities, Inc. (“MAA”) respectfully submits this Response to Appellant Dennis Philipson’s (“Philipson”) Emergency Motion for Immediate Judicial Action.

ARGUMENT

I. PHILIPSON HAS FAILED TO SHOW WHY IMMEDIATE JUDICIAL ACTION IS NECESSARY.

Philipson seeks an expedited review, requesting that this Court immediately review and adjudicate his appeal. This appeal has been fully briefed, and neither party has requested oral argument, despite Philipson’s untimely attempt to do so now. Philipson presents no basis for extraordinary action on the part of this Court. Philipson alleges that the delay in resolving this appeal inflicts harm on him. However, he has not demonstrated such harm. While he failed to move for a stay of execution pending appeal, he has yet to pay the judgment against him. Therefore, if any party has been harmed, it is MAA.

II. SANCTIONS ARE NOT WARRANTED AGAINST MAA AND ITS COUNSEL.

Pursuant to Rule 11 of the Federal Rules of Civil Procedure, a signatory to a pleading, motion, or other paper:

certifies that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual

contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Fed. R. Civ. P. 11(b). “If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation.” *Id.* (c)(1). “A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b).” *Id.* (c)(2). Subsection (c)(2) also requires a party filing a Rule 11 Motion to serve that motion on the opposing party 21 days prior to filing. *Id.*

“[T]he test for the imposition of Rule 11 sanctions in this circuit, inspired by the Advisory Committee’s Note to the 1983 Amendment, is whether the individual’s conduct was reasonable under the circumstances.” *Lemaster v. United States*, 891 F.2d 115, 118 (6th Cir. 1989).

A. PHILIPSON HAS NOT FOLLOWED PROPER PROCEDURE IN REQUESTING SANCTIONS.

In his Emergency Motion for Judicial Action, Philipson requests various “corrective actions” including that this Court issue sanctions against MAA and its counsel. Pursuant to Rule 11, motions for sanctions must be made separately and

“describe the specific conduct that allegedly violates Rule 11(b).” Federal R. Civ. P. 11(c)(2). Philipson has failed to comply with the requirements of Rule 11 not only by including his request in a Motion requesting other relief, but also because he fails to articulate the specific conduct that violates Rule 11. He also failed to serve his motion on MAA prior to filing. Philipson complains of various tactics and processes that both MAA and the district court have allegedly engaged in that have caused him prejudice. However, as fully briefed in MAA’s Appellee Brief and again below, MAA has followed procedures mandated by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Western District of Tennessee, the Federal Rules of Appellate Procedure, and the Local Rules of this Court. Therefore Philipson’s request for sanctions against MAA and its counsel is frivolous and should be denied.

B. MAA DID NOT ENGAGE IN PROCEDURAL MISCONDUCT OR ABUSIVE LITIGATION TACTICS.

As part of his reasoning for why MAA and its counsel should be sanctioned, Philipson asserts that “MAA and its counsel engaged in a pattern of procedural misconduct, manipulating the litigation process to gain an unfair advantage rather than to pursue a fair and just resolution.” Specifically, Philipson alleges “misuse of

subpoenas,” obstructive and abusive litigation tactics,” and “tampered evidence,” none of which is supported by the appellate record or any facts pointed out by Philipson.

As he argues in his brief, Philipson again asserts MAA abused the discovery process by improperly altering subpoenas. As fully set forth in MAA’s Appellee Brief, Philipson’s claim that MAA improperly altered subpoenas is without merit. The district court entered an Order Granting MAA’s Motion for Limited Expedited Discovery, which allowed MAA to issue third-party subpoenas in order to ascertain Philipson’s identity. Order Granting MAA’s Motion for Limited Discovery, R. 8, PageID# 137-139. The district court found that MAA “demonstrated good cause for expedited discovery” because unfair competition and infringement are “the type of claims that generally support a finding of good cause,” because Philipson engaged in anonymous behavior, MAA “has a low likelihood of identifying the proper defendants without the aid of their requested discovery from the internet platforms,” and “the scope of Plaintiff’s requested discovery is sufficiently narrow as it requests only limited information aimed at identifying the users who allegedly created infringing domains and fraudulent email accounts.” *Id.*, PageID# 2-3.

MAA issued its third-party subpoenas in accordance with the district court’s Order, for the sole purpose of determining who John Does 1 and 2 are. The subpoenas allowed MAA to determine that all of the infringing activity that was

central to its claims originated from Philipson's own IP address. Philipson points to nothing in the record to support his argument that these subpoenas were somehow improper, nor does he cite to any legal authority that the subpoenas were unlawful. His central argument appears to be that at the outset of the case, he was merely a witness, and it was improper for MAA to subpoena information from various internet platforms relating to his many email accounts. Of course, there is no prohibition on MAA seeking information about his email accounts, regardless of whether he was a named party at that point or not. The subpoenas were proper and Philipson's arguments to the contrary are without merit.

Philipson next complains of "excessive document requests, meritless motions to compel, and intentional misrepresentations of fact to justify [its] actions." This issue was also fully addressed in Appellee's Brief and has no merit. Philipson failed to comply with any of MAA's discovery requests and he never moved for a protective order. Motion and Memorandum for Contempt and Sanctions for Failure to Respond to Subpoena, R. 19, PageID# 274-294. Despite this failure, the district court actually denied MAA's Motion for Contempt due to the "unique nature of this case." Order Denying As Moot Plaintiff's Motion for Contempt, R. 94, PageID# 1544 ("The Court is dubious that Mr. Philipson has produced all of the documents that might be responsive to the subpoena. However, given the circumstances here, which include the fact that Mr. Philipson became a party to the case after having

received the subpoena, the overlapping nature of materials MAA sought through the subpoena and document requests, the fact that a finding of contempt is the lone sanction available under Rule 45, as well as the fact that MAA can – and has sought – additional sanctions against Mr. Philipson for his failure to respond to the discovery requests propounded upon him after he became a party to this case in its Motion for Permanent Injunction, the Court DENIES AS MOOT MAA’s Motion for Contempt.”).

In that same Order, the district court held Philipson in contempt for failing to respond to multiple court orders and failing to attend hearings before the court. The court ordered Philipson to respond to MAA’s Motion for Permanent Injunction and to appear at a hearing addressing his contempt. *Id.*, PageID# 1557. Philipson again failed to appear or respond. Because of his failure to contest the motion and appear, as well as the merits of the motion, the court granted in part MAA’s motion for permanent injunction as well as MAA’s motion for judgment. Order Granting Motion for Sanctions of Judgment and Granting in Part Motion for Permanent Injunction, R. 97, PageID# 1560-1577. In that Order, the district court stated: “Mr. Philipson’s failure to abide by this Court’s orders and failure to engage in the discovery process are willful and in bad faith, and he has repeatedly demonstrated contumacious conduct.” *Id.*, PageID# 1571.

Thus, MAA did not abuse the discovery process below, but instead, it was

Philipson who abused it. The court provided Philipson multiple opportunities to comply with the Rules and/or submit countervailing evidence, but he failed to do so.

Finally, Philipson again refers to “tampered evidence” as a basis for sanctions. Though he fails to identify what this supposed “tampered evidence” is, Philipson asserts issues with MAA’s expert report in his Appellant Brief. There is absolutely no proof in the record to support the baseless contention that MAA “tampered” with evidence. Philipson does not list a single reason as to why he contends MAA’s expert report lacks methodological reliability and evidentiary support. This is evident from the face of the report. Further, Philipson did not raise this in the court below, or provide his own expert to counter MAA’s expert, and he points to no order entered by the district court that relies on or even references MAA’s expert report. Therefore, there can be no reversible error regarding MAA’s expert report.

C. MAA’S COMPLAINT WAS NOT AN ATTEMPT AT UNLAWFUL RETRIBUTION OR INFRINGEMENT OF PHILIPSON’S WHISTLEBLOWER PROTECTIONS.

Philipson argues that MAA’s proceedings were retaliatory in nature and thus violated Section 1514A of the Sarbanes-Oxley Act (18 U.S.C. § 1514A). Specifically, Philipson accuses MAA of retaliation for his “whistleblowing” activities. However, MAA’s initial Complaint does not allege or seek a remedy for whistleblower activities. After confirming Philipson is John Does 1 and 2, MAA’s Amended Complaint only references Philipson’s “whistleblowing” activities to note

the similarities across his numerous other communications. Over the span of two years, MAA received numerous whistleblower complaints, all of which it believed were submitted by Philipson, even though he didn't always use his own name. MAA investigated each allegation (that contained enough information to investigate) and concluded that each and every one was without merit. Despite the fact that MAA spent countless hours on this process and Defendant's frivolous accusations, no lawsuits were filed in conjunction with any of the whistleblower complaints. MAA's action against Philipson was about Philipson's misuse of MAA's trademarks and his intent to harass and confuse its customers and employees, and Philipson's alleged "whistleblowing" does not give him any safe harbor to infringe or misuse Plaintiff's trademarks. Philipson offered no admissible evidence below that MAA took any action in retaliation for whistleblower activities. There is nothing in the record to support his claim of retaliation other than Philipson's meritless and conclusory assertions.¹

III. THERE WAS NO VIOLATION OF PHILIPSON'S DUE PROCESS RIGHTS OR JUDICIAL MISCONDUCT.

Philipson again asserts "multiple due process violations, instances of judicial

¹ MAA takes its obligations to protect the anonymity of whistleblowers and duly investigate any allegations very seriously. Philipson's reports are not the basis of the underlying lawsuit. This action is about trademark infringement, unfair competition, and harassment. The only link between Philipson's whistleblower complaints and the causes of action in the Complaint and Amended Complaint is that Philipson is responsible for both. The actions alleged in the Complaint and Amended Complaint are not privileged and MAA is well within its rights to protect its Marks and goodwill.

misconduct, and procedural failures that occurred during the District Court proceedings in this case.” While he fails to identify the due process violations in his motion, MAA assumes they are the due process issues in his Appellant Brief, which it will briefly address here:

(1) Philipson could have obtained legal counsel at any time. There is no court order denying him the ability to hire legal counsel; (2) There is no legal support for Philipson’s assertions that a process server cannot come on his property in an attempt to lawfully serve him with process and Philipson has not cited to any; and (3) Philipson argues that MAA failed to serve him with its court filings, yet simultaneously argues he received excessive service correspondence from MAA.²

Finally, regarding Philipson’s allegations of judicial misconduct, there is nothing in the record to suggest any appearance of impropriety by Judge Lipman. The district court was extremely accommodating to Philipson as a pro se defendant. There is no merit to his argument that his due process rights were violated.

These issues have been fully briefed previously, both in this Court and in the district court and have no merit.

² Philipson repeatedly insisted that MAA and the Court mail him physical copies of every filing. Memorandum/Notice to the Court Regarding Extended Temporary Absence and Request for Secure Communication, R. 63, PageID# 637-638. As evidenced in his filing in this Court on February 3, 2025, both MAA and the district court have complied with his request to send copies of filings via U.S. Mail. Exhibit A, Dkt. 25. If he received “excessive legal correspondence,” it was because he requested it. Philipson also regularly blocked MAA’s counsel as well as the district court from his email address, making it impossible to provide him with filings and other correspondence, other than by “snail mail.”

CONCLUSION

For the foregoing reasons, MAA respectfully requests that Philipson's Emergency Motion for Expedited Judicial Action be denied and the final Judgment of the District Court be affirmed.

DATED this 31st day of March, 2025.

Respectfully Submitted,

/s/ Paige Waldrop Mills

Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, Tennessee 37203
Tel: (615) 742-6200
pmills@bassberry.com

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***

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2025 the forgoing was served on the individual below by the ECF filing system and regular mail:

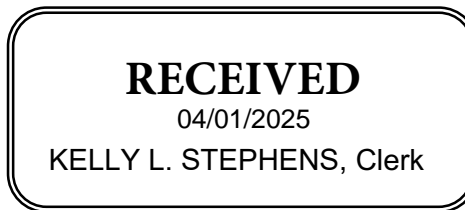
Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310

/s/ Paige Waldrop Mills

**UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE NO.
24-6082**

Dennis Philipson, Appellant,

v.



Mid-America Apartment Communities, Inc.,

Appellee.

**REPLY TO APPELLEE’S RESPONSE TO EMERGENCY MOTION FOR
IMMEDIATE JUDICIAL ACTION**

Appellant Dennis Philipson submits this reply in response to Appellee Mid-America Apartment Communities, Inc.’s March 31, 2025, filing. While Appellant recognizes that the record has been extensively briefed, Appellee’s latest submission necessitates clarification to correct misrepresentations and highlight the constitutional and statutory concerns central to this appeal.

The procedural history, docket, and existing filings speak plainly and powerfully to the abuse of judicial process that has defined this case. Appellee's characterizations are not supported by the evidentiary record, and their attempt to sanitize retaliatory conduct through blanket denials is legally insufficient under standards established by the Supreme

Court. See *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Courts are not bound to accept as true conclusory allegations or legal conclusions disguised as factual assertions.

Appellant's underlying claims involve core First Amendment protections, whistleblower retaliation under the Sarbanes-Oxley Act (18 U.S.C. § 1514A), and fundamental due process concerns. These are not speculative. They are supported by detailed factual submissions and procedural anomalies that would concern any impartial tribunal. The use of civil discovery to obtain confidential materials submitted through protected whistleblower channels is not only inappropriate—it raises serious constitutional questions. See *Lane v. Franks*, 573 U.S. 228 (2014).

Moreover, Appellee's refusal to address issues of judicial conflict—particularly the role of a law clerk with prior connections to Appellee's counsel—further erodes public confidence in the integrity of these proceedings. Such relationships, undisclosed and unwaived, implicate the due process protections enshrined in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

Appellant respectfully asserts that this case is not merely legally extraordinary—it is institutionally urgent. The retaliation he has faced, the weaponization of process, and the refusal to engage with the real constitutional questions presented here demand prompt and serious judicial attention.

Accordingly, and for the reasons set forth in the Emergency Motion and the underlying record, Appellant renews his request for immediate judicial intervention.

Respectfully submitted,

/s/ Dennis Philipson

April 01, 2025

CERTIFICATE OF SERVICE

I hereby certify that on April 01, 2025, a copy of the foregoing Reply was served via PACER upon the following counsel of record:

Paige Waldrop Mills

Bass, Berry & Sims PLC

21 Platform Way South, Suite 3500

Nashville, Tennessee 37203

John Golwen & Jordan Thomas

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, Tennessee 38103

Respectfully submitted,

/s/ Dennis Philipson

April 01, 2025

RECEIVED

04/02/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE OF
SUPPLEMENTAL SUBMISSION
FOR THE RECORD

NOTICE OF SUPPLEMENTAL SUBMISSION FOR THE RECORD

Appellant Dennis Philipson respectfully submits the following communications for inclusion in the appellate record of Case No. 24-6082. These submissions are being provided for the purpose of further documenting and preserving issues already before this Court, including matters related to whistleblower retaliation, judicial conflicts, due process concerns, and procedural misconduct.

Attached hereto and identified as **Exhibits A through C** are the following:

Exhibit A – A formal written statement submitted to Mid-America Apartment Communities, Inc. on April 2, 2025, through its internal whistleblower system, documenting ongoing retaliation, fabricated allegations, and litigation abuse directed at the Appellant in response to protected whistleblower activity.

Exhibit B – A chain of communications with the U.S. District Court for the Western District of Tennessee and Judge Lipman’s chambers on April 2, 2025, discussing the judgment, procedural status, and the Appellant’s inquiry into sanctions and potential reopening of the case.

Exhibit C – A formal communication submitted to the Sixth Circuit Clerk’s Office on April 2, 2025, raising concerns regarding denied accommodations under the Americans with Disabilities Act (ADA), the Court’s refusal to provide written electronic communication access, and a direct inquiry regarding whether Chief Judge Sutton reviewed a previously submitted administrative complaint.

These materials are submitted solely for the purpose of maintaining a complete and accurate record. They are not intended as new motions or requests for affirmative relief. Appellant respectfully requests that these documents be accepted into the record as relevant supplements that bear directly on the ongoing appeal and reflect the broader factual and procedural context.

Dated this 2nd day of April 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April 2025, a true and correct copy of the foregoing NOTICE OF SUPPLEMENTAL SUBMISSION FOR THE RECORD was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
Suite 2800
150 3rd Avenue 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, sweeping horizontal stroke extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

Fwd: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity

1 message

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Wed, Apr 2, 2025 at 1:45 PM

RECEIVED

04/02/2025

KELLY L. STEPHENS, Clerk

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>

Date: Wed, Apr 2, 2025, 8:54 AM

Subject: Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity

To: <employee.relations@maac.com>, <Melanie.Carpenter@maac.com>, <Leslie.wolfgang@maac.com>, <brad.hill@maac.com>, <clay.holder@maac.com>, <tim.argo@maac.com>, <accounting@maac.com>, <joe.fracchia@maac.com>

Given that I do not intend to file a new motion for sanctions at this time, the logical next step for your side would be to have Judge Lipman reopen the case in the Western District of Tennessee. If I were advising them, I would suggest drafting an order based on the existing Motion to Reopen Case and Motion to Compel Discovery Responses.

Have a good day.

Dennis

On Tue, Apr 1, 2025, 10:34 AM MikeyDPhilips <mikeydphilips@gmail.com> wrote:

This written statement is submitted through email and your internal whistleblower reporting mechanism, not as a new complaint, but as a formal record of Mid-America Apartment Communities, Inc.'s ongoing retaliation against me for lawfully submitting whistleblower disclosures to multiple federal agencies. The attached March 31, 2025 court filing by your counsel in the Sixth Circuit Court of Appeals—titled “Response to Philipson’s Emergency Motion for Immediate Judicial Action”—is not only factually dishonest, but another calculated attempt to distort the record, undermine constitutionally protected conduct, and preserve a retaliatory lawsuit whose only true purpose has ever been to punish me for exposing misconduct inside your organization.

This document makes a series of statements that are not only misleading—they are laughably false. The brazenness of the assertions made by your legal team would be astounding if they weren’t so predictably incompetent. They continue to distort and omit every critical fact that undercuts your narrative, such as your own decision to accuse me of serious criminal acts like hacking, identity fraud, credit card abuse, and accessing private physical mail—without offering a single piece of legitimate, verifiable evidence to support those claims. These false allegations, recklessly injected into court proceedings, have no basis in fact or law. And despite the gravity of those accusations, your attorneys failed to involve law enforcement, prosecutors, or even file a police report—because they knew the accusations wouldn’t withstand basic scrutiny. The allegations were never about justice or facts—they were about intimidation and retribution.

Your March 31 response reiterates the same tired and fabricated talking points that have defined this litigation from its inception: that this is a routine trademark case, that your discovery practices were proper, that no judicial bias exists, and that my whistleblower disclosures are irrelevant. These statements are not only false—they insult the intelligence of any reader with even a minimal understanding of the record. Your subpoena practices were anything but proper. You circumvented due process by manipulating expedited discovery procedures to compel access to my private communications—communications that were never remotely tied to trademark infringement, but rather to the protected reporting of misconduct to regulators. At every step, you relied on a court that was compromised by conflicts of interest, a compromised law clerk, and undisclosed relationships that raise serious constitutional concerns.

Your law firm’s confidence in the outcome was clearly never based on the strength of its case—it was based on its relationship with Michael Kapellas, the judicial law clerk who ghostwrote every key order for Judge Sheryl Lipman while maintaining personal and professional ties to your legal team. This individual is a known former colleague of the very lawyers representing MAA, including but not limited to attorneys at Bass, Berry & Sims. This is not speculation. It is a matter of public record. The same firm advocating on your behalf was whispering into the court’s pen through a loyal former insider now posing as a neutral clerk. You didn’t win your arguments on the law; you won them through influence and corruption.

Moreover, your filing’s claim that “Philipson offered no evidence” of retaliation is preposterous given that your own complaint acknowledges, references, and attempts to discredit the very whistleblower complaints you now pretend are unrelated. You not only admit that you believe I authored multiple whistleblower submissions, but you use that belief to justify surveillance, discovery, and litigation tactics that are prohibited by law. Your counsel’s attempt to dismiss these disclosures as “frivolous” is legally irrelevant. Sarbanes-Oxley (18 U.S.C. § 1514A), Dodd-Frank, and related statutes protect whistleblowers from retaliation regardless of whether the underlying complaints ultimately prove actionable. What matters is that the complaints were made in good faith, through

Even more disgraceful is the way your filing conveniently omits how your team repeatedly ignored my requests for accommodation under the Americans with Disabilities Act. At every juncture, your counsel willfully disregarded my disability-related limitations, rejected simple accommodation requests, and then misrepresented delays caused by those disabilities as willful noncompliance. I submitted formal notices regarding my temporary medical incapacitation. I requested basic communication accommodations, such as physical mail and reasonable extensions. Rather than work collaboratively or in accordance with your stated corporate values, your attorneys pounced on those vulnerabilities and rushed through procedural traps designed to secure default rulings. That isn't litigation—it's sanctioned bullying.

Your court filing also insults the intelligence of this process by declaring there was "no proof" of due process violations or court bias. This is absurd. The due process issues are not speculative—they are structural. This case was riddled with improper service, denied hearings, and a judiciary operating under a cloud of political entanglements and insider favoritism. The Sixth Circuit's own Judge Julia Smith Gibbons is married to Bill Gibbons, a longtime political ally of your organization's legal network. That relationship, layered over the law clerk misconduct, should have disqualified this forum from the outset. Instead, it emboldened your lawyers to submit fiction as fact, knowing there would be no accountability.

Perhaps the most comically absurd statement in your response is the claim that MAA is the "party harmed." This comes from the same attorneys who falsely accused me of federal crimes, invaded my privacy, violated my constitutional rights, and made a complete mockery of whistleblower protections enshrined in federal law. To say that MAA is the victim here is to suggest a burglar should sue a homeowner for tripping over the family dog.

Let the record reflect that this entire case—every subpoena, every filing, every default hearing—has been a transparent exercise in corporate retaliation. You used this court to intimidate, discredit, and expose a whistleblower. You used expedited discovery to access confidential information. You lied about your motives and omitted material facts from every pleading. You ignored legal standards, constitutional protections, and your own internal ethics policies. And now you pretend that all of this was just routine procedure. It was not. It was a farce.

For the avoidance of doubt, I am submitting this document and the attached filing to establish a formal record through your internal systems. I am not requesting intervention, nor am I asking for your assistance. I do not expect a response, because I have no expectation that this company—given its behavior—intends to do the right thing. What I am doing is placing this document into your own compliance archive to ensure there is no plausible deniability when this entire episode is inevitably scrutinized by federal oversight bodies, ethics boards, and appellate review. Let it be known that you were informed. Let it be known that you continued anyway.

Dennis Philipson

RECEIVED

04/02/2025

KELLY L. STEPHENS, Clerk

Exhibit B

Fwd: Case 2:23-cv-02186

1 message

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Wed, Apr 2, 2025 at 1:46 PM

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 2, 2025, 1:40 PM
Subject: Re: Case 2:23-cv-02186
To: <intaketnwd@tnwd.uscourts.gov>, <ecf_judge_lipman@tnwd.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Thank you—sounds good. Being held in contempt actually sounds like the closest thing I've had to a vacation lately.

Wishing you a good week ahead.

Dennis

On Wed, Apr 2, 2025, 1:36 PM IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov> wrote:

Mr. Philipson,

You are getting documents via email (PACER) and will be notified of any Order that the court enters.

From: MikeyDPhilips <mikeydphilips@gmail.com>
Sent: Wednesday, April 2, 2025 12:30 PM
To: IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>
Subject: Re: Case 2:23-cv-02186

CAUTION - EXTERNAL:

Thank you. I understand that opposing counsel submitted a proposed order to reopen this case, and I'm inquiring as to the current status of that request. I believe this is a matter properly within the purview of this Court.

Thank you again,

Dennis

On Wed, Apr 2, 2025 at 1:20 PM Judy Easley <judy_easley@tnwd.uscourts.gov> wrote:

Mr. Philipson,

Attached is your judgment in your civil case. You should contact the 6th circuit if you have any questions concerning your appeal.

From: MikeyDPhilips <mikeydphilips@gmail.com>
Sent: Wednesday, April 2, 2025 11:51 AM
To: IntakeTNWD <IntakeTNWD@tnwd.uscourts.gov>
Subject: Case 2:23-cv-02186

CAUTION - EXTERNAL:

CAUTION - EXTERNAL:

Hello,

Could you please provide a formal statement or invoice reflecting the \$600,000 judgment entered against me, along with clear instructions for submitting payment? Additionally, if there are any pending or anticipated sanctions resulting from my alleged noncompliance with the May 2024 order issued by Judicial Law Clerk Mr. Kapellas, I would appreciate receiving notice of those as well.

Furthermore, if this case—Case No. 2:23-cv-02186 in the U.S. District Court for the Western District of Tennessee—is being reopened or remanded from the Sixth Circuit, please confirm so that I may respond appropriately.

Thank you.

Dennis Philipson

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

Fwd: Case 2:23-cv-02186

1 message

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Wed, Apr 2, 2025 at 1:48 PM

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 2, 2025, 1:21 PM
Subject: Re: Case 2:23-cv-02186
To: <CA06_Pro_Se_Efiling@ca6.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

RECEIVED
04/02/2025
KELLY L. STEPHENS, Clerk

Dear Clerk's Office, Ms. Shoemaker, and Ms. Stephens,

Thank you for your message. A couple of weeks ago, your email was signed "Clerk's Office," which is why I assumed I was corresponding directly with that office.

I will be filing an official notice through the docket to ensure the record reflects this communication.

I'm not sure why the Court continues to deny me access to written electronic communication, particularly given that I made this request as part of a formal request for reasonable accommodation back in December 2024. It remains a reasonable and practical request, and I have yet to receive a clear explanation for its continued denial.

As a point of inquiry, does the Court provide or require regular ethics training for court staff and judicial personnel?

Additionally, I would appreciate confirmation as to whether Chief Judge Sutton ever reviewed the administrative complaint I submitted that was specifically addressed to him by name.

Thank you again for your attention.

Dennis Philipson

On Wed, Apr 2, 2025, 1:11 PM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken with this email.

If you have questions regarding your case, please contact the clerk's office (513) 564-7000.

Best,

From: MikeyDPhilips <mikeydphilips@gmail.com>
Sent: Wednesday, April 2, 2025 1:03 PM
To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>
Subject: Fwd: Case 2:23-cv-02186

Can you please let me know the status of case 24-6082? Thanks

Dennis Philipson

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

From: MikeyDPhilips <mikeydphilips@gmail.com>

Date: Wed, Apr 2, 2025, 12:51 PM

Subject: Case 2:23-cv-02186

To: <ecf_judge_lipman@tnwd.uscourts.gov>, <intaketnwd@tnwd.uscourts.gov>

Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Hello,

Could you please provide a formal statement or invoice reflecting the \$600,000 judgment entered against me, along with clear instructions for submitting payment? Additionally, if there are any pending or anticipated sanctions resulting from my alleged noncompliance with the May 2024 order issued by Judicial Law Clerk Mr. Kapellas, I would appreciate receiving notice of those as well.

Furthermore, if this case—Case No. 2:23-cv-02186 in the U.S. District Court for the Western District of Tennessee—is being reopened or remanded from the Sixth Circuit, please confirm so that I may respond appropriately.

Thank you.

Dennis Philipson

☐ 4-1-25 - Golwen Court Filing- Response to Emergency Motion.pdf [Download](#)

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

Fwd: Judicial Misconduct and Delays – Request for Supreme Court Level Guidance

1 message

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Wed, Apr 9, 2025 at 10:28 AM

RECEIVED

04/09/2025

KELLY L. STEPHENS, Clerk

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>

Date: Tue, Apr 8, 2025, 1:16 PM

Subject: Re: Judicial Misconduct and Delays – Request for Supreme Court Level Guidance

To: <pio@supremecourt.gov>, <honorable_ketani_brown_jackson@supremecourt.gov>, <honorable_amy_coney_barrett@supremecourt.gov>, <honorable_brett_kavanaugh@supremecourt.gov>, <honorable_neil_gorsuch@supremecourt.gov>, <honorable_elena_kagan@supremecourt.gov>, <honorable_sonia_sotomayor@supremecourt.gov>, <honorable_samuel_alito@supremecourt.gov>, <honorable_clarence_thomas@supremecourt.gov>, <honorable_john_roberts@supremecourt.gov>

Cc: MikeyDPhilips <mikeydphilips@gmail.com>

My previous email appears to have bounced back, and I'm unsure whether the attachment may have caused the issue. Please see the message below for your reference.

Thank you,
Dennis Philipson

On Mon, Apr 8, 2025, 10:33 AM MikeyDPhilips <MikeyDPhilips@gmail.com> wrote:

Good morning,

My name is Dennis Philipson, and I am a pro se litigant in an active matter before the Sixth Circuit Court of Appeals (Case No. 24-6082), which stems from a civil action filed in the Western District of Tennessee (Case No. 2:23-cv-02186). I'm reaching out to each of you individually as members of the broader federal appellate judiciary to ask:

How long does it typically take your court to review an emergency motion? And how does your court respond to credible allegations of judicial misconduct and procedural abuse?

This is not a theoretical question. On March 19, 2025, I filed an Emergency Motion for Immediate Judicial Action with the Sixth Circuit (Dkt. 40), raising serious allegations of due process violations, ADA noncompliance, retaliation, intimidation, and active suppression of whistleblower activity. That motion remains completely unaddressed—with no acknowledgment, no review, no notice.

I have personally written to The Jeffrey S. Sutton, Chief Judge of the United States Court of Appeals for the Sixth Circuit; Ms. Mandy Shoemaker, Chief Deputy Clerk; Ms. Kelly L. Stephens, Clerk of Court; and Mr. Roy G. Ford, Case Manager, and have also placed multiple calls to the Sixth Circuit Clerk's Office requesting a status update on my emergency motion and the broader appeal. Despite these efforts, I have received no responses, no docket updates, and no indication that my filings are being reviewed or acknowledged. The continued lack of communication from senior court officials at this level raises serious concerns about transparency, access to the court, and the ability of a pro se litigant to receive fair and timely consideration.

This follows months of what I can only describe as institutional stonewalling by both the district court and now the appellate court, involving repeated due process failures, unexplained docket delays, and procedural sabotage that would be obvious to anyone even skimming the docket.

A few of the more troubling facts:

The district court (W.D. Tenn.) permitted discovery abuses aimed at revealing confidential whistleblower filings I submitted to federal agencies, including the SEC, DOJ, and IRS. These documents—intended to expose potential securities fraud, accounting manipulation, antitrust coordination, and deceptive business practices—were used against me by a billion-dollar public company and its retained law firm with no protection from the court.

Sealed documents were leaked, protective orders were ignored, and multiple warnings of psychological harm were brushed aside—all while I was forced to defend myself pro se, without any effort by the court to regulate or mitigate the imbalance.

My Motion for Reasonable Accommodation, filed on December 10, 2024, was not reviewed for months despite repeated follow-ups and additional correspondence (see Dkts. 5, 14, 15, 18, 20).

I submitted a formal complaint to the Sixth Circuit's Circuit Executive many months ago regarding the misconduct in the district court. That complaint has been met with silence. I've yet to receive confirmation that it was received, let alone acted on.

Opposing counsel has continued to submit bad-faith filings, including attempts to reopen the district court case for retaliatory discovery tactics, while I am still on appeal. The appellate court has made no effort to clarify jurisdiction, stay conflicting actions, or

enforce order.

My name has been publicly smeared online, including in dockets and filings stemming directly from this mishandling. The reputational harm is ongoing—and sanctioned by judicial inaction.

The Sixth Circuit has failed to respond to multiple motions (including Dkts. 23, 29, 33, 40, 42), as well as formal notifications of harassment, procedural irregularities, and record supplementation.

I understand that the federal judiciary is not here to serve pro se litigants with extra deference—but it is obligated to uphold basic due process. That has not happened here. And the lack of response from the Sixth Circuit suggests a level of institutional neglect, if not outright protectionism, for lower court errors and internal entanglements.

So I ask again:

What is your court's typical timeline for addressing emergency motions involving civil rights, ADA violations, or judicial misconduct? Would your circuit allow an emergency filing to sit unreviewed for nearly three weeks, despite obvious indicators of retaliation and procedural failure?

Does your circuit provide a way for pro se parties to request internal review or flag these types of breakdowns—when complaints to a Circuit Executive are ignored?

I have attached two documents that summarize portions of the docket (PDF and text formats). They show not just the volume of filings submitted, but the complete breakdown of communication, judicial oversight, and procedural balance.

If no response or action is received from the Sixth Circuit by Wednesday, April 9, I will file a public record submission outlining this failure—both in this case and more broadly—so that future litigants and oversight bodies can learn from this breakdown.

Thank you for your time and consideration.

Dennis Michael Philipson
Pro Se Appellant – Sixth Circuit Case No. 24-6082
6178 Castletown Way
Alexandria, VA 22310
MikeydPhilips@gmail.com
(949) 432-6184

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

From: MikeyDPhilips <mikeydphilips@gmail.com>
Date: Mon, Apr 7, 2025 at 1:52 PM
Subject: Request for Status Update – Case No. 24-6082 (Philipson v. MAA)
To: ca06_pro_se_efiling@ca6.uscourts.gov, <Jeffrey_sutton@ca6.uscourts.gov>, <roy_ford@ca6.uscourts.gov>, <mandy_shoemaker@ca6.uscourts.gov>, <kelly_stephens@ca6.uscourts.gov>
Cc: MikeyDPhilips mikeydphilips@gmail.com

Judge Sutton, Ms. Shoemaker, Ms. Stevens, Mr. Ford, and the Clerk's Office,

I am writing to request a status update on Case No. 24-6082, which has now been pending for several months without any action on my Emergency Motion filed on March 19, 2025. That motion raised allegations of judicial misconduct and other serious procedural issues that require prompt attention. To date, it does not appear that the Court has reviewed or ruled on it.

Given the nature of the filing and the issues raised, I am unsure why this matter is still unresolved. I am requesting a written update on the status of the case and pending motions—either by mail or email—no later than Wednesday, April 9, 2025.

If I do not hear back by that date, I will file an official document on the docket addressing the ongoing delay.

Dennis Philipson
Pro Se Appellant

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Dennis Philipson, Pro Se Appellant

Case No. 24-6082

RECEIVED

04/09/2025

KELLY L. STEPHENS, Clerk

NOTICE REGARDING COMMUNICATIONS TO OTHER COURTS AND JUDICIAL OFFICIALS

To the Clerk and All Interested Parties:

Please take notice that on April 8, 2025, I, Dennis Philipson, pro se appellant in the above-captioned matter, sent an email communication to all Justices of the United States Supreme Court, the ten other United States Courts of Appeals (First through Eleventh Circuits, excluding the Sixth Circuit), as well as senior judges of the Sixth Circuit Court of Appeals and Chief Judge Jeffrey S. Sutton.

In this correspondence, I asked the Justices and senior officials to review the serious delays and due process concerns in my Sixth Circuit appeal, Case No. 24-6082, as well as in the underlying proceedings before the U.S. District Court for the Western District of Tennessee. I respectfully requested that they look into these matters given the apparent refusal by the Sixth Circuit, the district court, and the Circuit Executive to address my prior filings and complaints.

Additionally, I contacted the other ten appellate courts seeking their views on how long emergency motions typically take to be reviewed, as well as their practices surrounding reasonable accommodation requests and other procedural matters that affect pro se litigants. This effort was made to compare standards and highlight any deviations or irregularities specific to the Sixth Circuit.

A copy of the email communication sent to these officials is attached hereto for the Court's reference.

Respectfully submitted,

/s/ Dennis Philipson

Pro Se Appellant

April 9, 2025

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2025, a true and correct copy of the foregoing was filed through the CM/ECF system, which will send notice of the filing to the following counsel of record:

Paige Waldrop Mills

Bass, Berry & Sims PLC

21 Platform Way South, Suite 3500

Nashville, Tennessee 37203

John Golwen & Jordan Thomas

Bass, Berry & Sims PLC

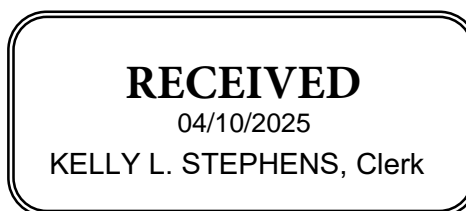
100 Peabody Place, Suite 1300

Memphis, Tennessee 38103

Respectfully submitted,

/s/ Dennis Philipson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT



Case No. 24-6082

Dennis Philipson v. Mid-America Apartment Communities, Inc.

NOTICE OF COMMUNICATION SUBMITTED FOR RECORD

Dennis Philipson, Pro Se Appellant, respectfully submits the attached communication for the Court's attention and requests that it be entered on the docket in the above-captioned appeal.

The attached is a letter from counsel for Appellee Mid-America Apartment Communities (MAA) threatening to seek contempt proceedings in the district court. This communication raises concerns about retaliation, ongoing intimidation, and improper use of judicial resources. It is being provided to ensure the appellate record reflects these issues. I am copying the Clerk's Office, the presiding panel (if assigned), opposing counsel, and MAA's executive leadership.

Respectfully submitted,

/s/ Dennis Philipson

Dennis Philipson

6178 Castletown Way

Alexandria, VA 22310

Email: mikeydphilips@gmail.com

Phone: (949) 432-6184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice and attached communication was served via email on April 10, 2025, to the following counsel of record:

Paige Waldrop Mills

Bass, Berry & Sims PLC

21 Platform Way South, Suite 3500

Nashville, Tennessee 37203

Email: pmills@bassberry.com

John Golwen & Jordan Thomas

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, Tennessee 38103

Emails: jgolwen@bassberry.com, jordan.thomas@bassberry.com

Respectfully submitted,

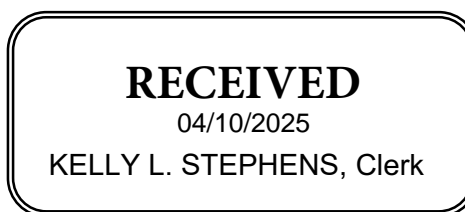
/s/ Dennis Philipson

Fwd: Response to Threatened Contempt Motion – Whistleblower Rights and Judicial Conduct Concerns

1 message

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Thu, Apr 10, 2025 at 2:41 PM



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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>

Date: Thu, Apr 10, 2025, 2:39 PM

Subject: Response to Threatened Contempt Motion – Whistleblower Rights and Judicial Conduct Concerns

To: jgolwen@bassberry.com, ECF_Judge_Lipman@tnwd.uscourts.gov, jordan.thomas@bassberry.com, pmills@bassberry.com, honorable_jeffrey_sutton@ca6.uscourts.gov, clay.holder@maac.com, brad.hill@maac.com, Robert.DelPriore@maac.com, gigi.mcgowen@maac.comCc: MikeyDPhilips mikeydphilips@gmail.com

Mr. Golwen,

Thank you for your message.

It has become increasingly clear that there are serious credibility issues within the proceedings and among those overseeing them. The inconsistencies, omissions, and lack of transparency coming from both opposing counsel and the court suggest a disturbing pattern. At this point, it's difficult to view the conduct of this case as anything other than intentionally misleading and obstructive. The integrity of the Tennessee courts has been seriously called into question. MAA continues to engage in unlawful practices, as clearly demonstrated by the terms in their lease agreements, the content of their public-facing websites, and their broader operational conduct

I do not agree with any of the relief sought in your contemplated motion, and I strongly oppose any further attempts to characterize protected activity—including whistleblower reports, lawful public correspondence, or electronic communications—as “contempt.” The ongoing pattern of threats and procedural gamesmanship from your office raises substantial ethical concerns under both federal law and Tennessee bar rules.

To be clear:

My use of the SEC whistleblower portal is protected by federal law, including but not limited to Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. § 78u-6), which not only authorizes whistleblower reports but prohibits retaliation or interference by employers or their representatives.

Any disclosures I made through the portal or to appropriate oversight authorities are based on a good-faith belief of potential securities fraud, accounting irregularities, and retaliation—all of which I have every right to report. This includes reports to federal agencies, courts, and even MAA employees if they are potential witnesses or involved parties.

My communications are also protected under the First Amendment and cannot be criminalized or sanctioned under the guise of vague or overly broad injunctions.

The alleged “unauthorized use of an MAA employee email address” is not a valid contempt basis and, as framed, lacks any foundation in law or fact.

Attempts to file contempt motions on these grounds appear frivolous, retaliatory, and potentially sanctionable under Rule 11 of the Federal Rules of Civil Procedure.

I remain concerned that prior misconduct—including improper discovery into protected whistleblower reports, sealed filings being accessed and misused, and repeated failures by the court to rule on time-sensitive motions—are being compounded by this latest threat.

Additionally, I remind you of your obligations under the Tennessee Rules of Professional Conduct, including:

Rule 3.1 (Meritorious Claims and Contentions) – Attorneys must not file motions or actions that are frivolous or meant to harass or intimidate.

Rule 4.4 (Respect for Rights of Third Persons) – Lawyers may not use legal process to burden a third party (including a pro se litigant) with tactics that lack legitimate legal foundation.

As a pro se party, I have every right to continue filing motions, contacting public officials, utilizing whistleblower channels, and defending myself vigorously—especially when the judicial system appears unwilling to engage with serious procedural and ethical breakdowns. I will continue doing so until this matter is fully addressed, and I expect that future filings from your office reflect the legal standards and professional responsibilities required by the courts and bar.

If you or your client have concerns about my conduct, you are welcome to file a motion. But I will oppose any attempt to misuse the court system to silence or punish protected reporting activity.

Respectfully,
/s/ Dennis Michael Philipson
Pro Se Appellant
Sixth Circuit Case No. 24-6082

On Thu, Apr 10, 2025, 2:17 PM Golwen, John S. <jgolwen@bassberry.com> wrote:

Dennis,

MAA is going to file in the District Court a second motion for contempt due to your ongoing violations of Judge Lipman's permanent injunction. The contempt that is the subject of the motion includes your continued emails to MAA employees, the frivolous and duplicative communications through MAA's whistleblower portal, false and disparaging employment application, and your unauthorized use of an email address of an MAA employee. In the motion, we are seeking the District Court to hold you in contempt of court, a court hearing on the contempt motion and MAA's attorneys' fees in bringing the motion. Please advise if you agree with the relief sought in the motion.

Thank you,



John Golwen
Member

Bass, Berry & Sims PLC
The Tower at [Peabody Place - 100 Peabody Place, Suite 1300](#)
[Memphis, TN 38103-3672](#)
901-543-5903 phone • (866)-627-4696 fax
jgolwen@bassberry.com • www.bassberry.com

Re: Response to Threatened Contempt Motion – Whistleblower Rights and Judicial Conduct Concerns

1 message

RECEIVED

04/10/2025

KELLY L. STEPHENS, Clerk

Thu, Apr 10, 2025 at 3:17 PM

MikeyDPhilips <mikeydphilips@gmail.com>
To: jgolwen@bassberry.com.trackapp.io, ECF_Judge_Lipman@tnwd.uscourts.gov.trackapp.io, jordan.thomas@bassberry.com.trackapp.io, pmills@bassberry.com.trackapp.io, honorable_jeffrey_sutton@ca6.uscourts.gov.trackapp.io, clay.holder@maac.com.trackapp.io, brad.hill@maac.com.trackapp.io, Robert.DelPriore@maac.com.trackapp.io, gigi.mcgowen@maac.com.trackapp.io
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Also, please confirm receipt of this communication.

Furthermore, the assertion by MAA and its counsel that my claims are frivolous or that the company has not violated antitrust or accounting regulations is not only inaccurate—it is demonstrably false. These violations did not occur in isolation or by accident; they were routine, embedded in day-to-day operations over a span of several years. The suggestion that these practices never occurred is simply not credible. In fact, nearly any current or former employee familiar with MAA's internal practices could attest to the widespread nature of these actions.

To dismiss such claims categorically—without conducting a proper investigation—is not only misleading but also raises serious questions about internal accountability and truthfulness in court proceedings.

Thank you,
Dennis Philipson

On Thu, Apr 10, 2025, 2:41 PM MikeyDPhilips <mikeydphilips@gmail.com> wrote:

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>

Date: Thu, Apr 10, 2025, 2:39 PM

Subject: Response to Threatened Contempt Motion – Whistleblower Rights and Judicial Conduct Concerns

To: jgolwen@bassberry.com, ECF_Judge_Lipman@tnwd.uscourts.gov, jordan.thomas@bassberry.com, pmills@bassberry.com, honorable_jeffrey_sutton@ca6.uscourts.gov, clay.holder@maac.com, brad.hill@maac.com, Robert.DelPriore@maac.com, gigi.mcgowen@maac.com

Cc: MikeyDPhilips mikeydphilips@gmail.com

Mr. Golwen,

Thank you for your message.

It has become increasingly clear that there are serious credibility issues within the proceedings and among those overseeing them. The inconsistencies, omissions, and lack of transparency coming from both opposing counsel and the court suggest a disturbing pattern. At this point, it's difficult to view the conduct of this case as anything other than intentionally misleading and obstructive. The integrity of the Tennessee courts has been seriously called into question. MAA continues to engage in unlawful practices, as clearly demonstrated by the terms in their lease agreements, the content of their public-facing websites, and their broader operational conduct

I do not agree with any of the relief sought in your contemplated motion, and I strongly oppose any further attempts to characterize protected activity—including whistleblower reports, lawful public correspondence, or electronic communications—as “contempt.” The ongoing pattern of threats and procedural gamesmanship from your office raises substantial ethical concerns under both federal law and Tennessee bar rules.

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Any disclosures I made through the portal or to appropriate oversight authorities are based on a good-faith belief of potential securities fraud, accounting irregularities, and retaliation—all of which I have every right to report. This includes reports to federal agencies, courts, and even MAA employees if they are potential witnesses or involved parties.

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I remain concerned that prior misconduct—including improper discovery into protected whistleblower reports, sealed filings being accessed and misused, and repeated failures by the court to rule on time-sensitive motions—are being compounded by this latest threat.

Additionally, I remind you of your obligations under the Tennessee Rules of Professional Conduct, including:

Rule 3.1 (Meritorious Claims and Contentions) – Attorneys must not file motions or actions that are frivolous or meant to harass or intimidate.

Rule 4.4 (Respect for Rights of Third Persons) – Lawyers may not use legal process to burden a third party (including a pro se litigant) with tactics that lack legitimate legal foundation.

Rule 8.3 and 8.4 (Misconduct and Reporting) – You and your firm are officers of the court and are obligated to avoid conduct involving dishonesty, fraud, deceit, or misrepresentation.

As a pro se party, I have every right to continue filing motions, contacting public officials, utilizing whistleblower channels, and defending myself vigorously—especially when the judicial system appears unwilling to engage with serious procedural and ethical breakdowns. I will continue doing so until this matter is fully addressed, and I expect that future filings from your office reflect the legal standards and professional responsibilities required by the courts and bar.

If you or your client have concerns about my conduct, you are welcome to file a motion. But I will oppose any attempt to misuse the court system to silence or punish protected reporting activity.

Respectfully,
/s/ Dennis Michael Philipson
Pro Se Appellant
Sixth Circuit Case No. 24-6082

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Thank you,

John Golwen

Member

Bass, Berry & Sims PLCThe Tower at [Peabody Place - 100 Peabody Place, Suite 1300](#)[Memphis, TN 38103-3672](#)

901-543-5903 phone • (866)-627-4696 fax

jgolwen@bassberry.com • www.bassberry.com

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

MID-AMERICA APARTMENT COMMUNITIES, INC.)	
)	
Plaintiff,)	
)	
v.	)	Docket No. 2:23-cv-02186-SHL-cgc
	)	JURY DEMAND
DENNIS PHILIPSON,)	
)	
Defendant.)	
)	
)	

**MAA’S SECOND MOTION FOR CONTEMPT FOR VIOLATING PERMANENT
INJUNCTION AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff Mid-America Apartment Communities, Inc. (“MAA” or “Plaintiff”), by and through counsel, submits this Second Motion for Contempt For Violating Permanent Injunction and Incorporated Memorandum of Law (the “Motion for Contempt”) against Defendant Dennis Philipson (“Philipson”). MAA seeks this relief due to Philipson’s new violations of this Court’s Order Granting Motion for Sanctions of Judgment and Granting in Part Motion for Permanent Injunction (the “Injunction”). (Dkt. 97). As such, MAA respectfully requests that this Court grant the Motion for Contempt, award MAA its attorney’s fees and costs associated with this Motion for Contempt, and award any other sanctions against Philipson that the Court deems appropriate. MAA also requests a hearing on this Motion. In support of its Motion, MAA incorporates by reference: MAA’s Motion for Contempt for Violating Permanent Injunction and Incorporated Memorandum of Law (Dkt. 113), Supplemental Affidavit of Alex Tartera in Support of MAA’s Motion for Contempt (Dkt. 130), and MAA’s Motion to Reopen Case (Dkt. 135).

LAW AND ARGUMENT

I. Legal Standard

Courts have the power to enforce compliance with their orders through contempt. *See Elec. Workers Pension Tr. Fund of Loc. Union* |58, *IBEW v. Gary's Elec. Serv. Co.*, 340 F.3d 373, 378 (6th Cir. 2003). A court may find a party in civil contempt for violating a permanent injunction. *See Gus's Franchisor, LLC v. Terrapin Rest. Partners, LLC*, No. 2:20-CV-2372-JPM-CGC, 2021 WL 918075, at *3 (W.D. Tenn. Mar. 10, 2021). A court “may find a party in contempt to ensure the party’s future compliance with the court’s orders or to compensate the moving party for injuries caused by the nonmoving parties’ noncompliance.” *Id.* To hold a party in contempt, “the movant must produce clear and convincing evidence that shows that ‘he violated a definite and specific order of the court requiring him to perform or refrain from performing a particular act or acts with knowledge of the court’s order.’” *Gary's Elec. Serv. Co.*, 340 F.3d at 379 (quoting *NLRB v. Cincinnati Bronze, Inc.*, 829 F.2d 585, 591 (6th Cir. 1987)). Once the movant establishes its *prima facie* case, the burden shifts to the nonmovant “who may defend by coming forward with evidence showing that he is presently unable to comply with the court’s order.” *Id.* To meet this burden, the nonmovant “must show categorically and in detail why he or she is unable to comply with the court’s order.” *Id.* (quoting *Rolex Watch U.S.A., Inc. v. Crowley*, 74 F.3d 716, 720 (6th Cir. 1996)).

If the court finds a party in contempt in a civil proceeding, the court may sanction the offending party. *See Gus's Franchisor, LLC*, 2021 WL 918075, at *3. In deciding what sanctions are appropriate, “courts are guided by the purposes of contempt: ‘(1) to coerce the defendant into compliance with the court’s order; and (2) to compensate the movant for losses sustained.’” *Id.* (quoting *Dominic's Rest. Of Dayton, Inc. v. Mantia*, No. 3:09-CV-131, 2009 WL 10679457, at *4 (S.D. Ohio May 14, 2009)). A court may compensate the moving party for the nonmovant’s

contempt in the form of a fine payable to the movant.¹ *Id.* A court may also require the nonmovant to pay the movant’s attorney’s fees and costs for bringing the motion. *Id.*; *see also id.* at *6 (“The Court can . . . award . . . attorney’s fees for a defendant’s violation of a permanent injunction.”) (citation omitted).

II. Philipson’s Continued Violation of the Injunction Warrants Sanctions.

On March 6, 2024, MAA filed its Motion for Sanctions of Judgment and Permanent Injunction Against Philipson (the “Motion for Judgment”). (Dkt. 92). On May 6, 2024, this Court granted the Motion for Judgment and entered the Injunction. (Dkt. 97). In the Injunction, the Court ordered, in pertinent part, that:

1. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from creating or setting up any social media account or any type of account in the name, or a confusingly similar name, of any Mid-America Apartment Communities, Inc., Mid-America Apartments, L.P., any of their respective affiliates, and its and their respective present or past shareholders, directors, officers, managers, partners, employees (other than Defendant), agents and professional advisors (including but not limited to attorneys, accountants and consultants (collectively, “MAA Persons”), without such individual’s or entity’s express written permission.

3. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from applying for jobs in the name of any individual MAA Person without the individual’s express written permission.

6. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from setting up social media accounts, whether on LinkedIn or otherwise, that falsely purpose to be a MAA-sanctioned account or that use the MAA trademarks in a manner that is infringing or likely to cause confusion amount MAA customers and the apartment rental marketplace.

8. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from contacting any individual MAA Person in-person or by phone, electronic mail, text message, social media, direct message, or any other method, without the express written consent of such person.

¹ “This fine ‘must of course be based upon evidence of complainant’s actual loss,’ and the complainant’s ‘right, as a civil litigant, to the compensatory fine is dependent upon the outcome of the basic controversy.’” *See Gus’s Franchisor, LLC*, 2021 WL 918075, at *3 (quoting *United States v. United Mine Workers of Am.*, 330 U.S. 258, 304 (1947)).

9. Defendant, whether under his own name or a false name, and those in active concert with him, are enjoined and barred from committing any threats, stalking, cyberstalking or intimidating behavior as described in 18 U.S.C. § 2261A... [and]

11. Defendant Philipson, whether under his own name or a false name, and those in active concert with him, are hereby enjoined and prohibited from using, posting, publicizing, disseminating, or distributing statements, including but not limited to e-mails, the leaving of a review on an internet platform, or assisting another in doing same, that state or imply . . . (j) that MAA or its counsel has committed wrongful or improper conduct by attempting to serve a subpoena in [t]his lawsuit.

(*Id.* at 8–10).

After the Court granted the Injunction, Philipson violated Paragraphs 6, 8, 9, and 11(j) by sending emails to MAA employees, creating or maintaining certain social media accounts and submitting more than 55 complaints to MAA’s internal whistleblower platform. On July 8, 2024, MAA filed its Motion for Contempt for Violating Permanent Injunction and Incorporated Memorandum of Law. Since the filing of that Motion, Philipson continues violating this Court’s Injunction by attempting to email MAA personnel, using MAA personnel’s names and email addresses to apply for jobs and sign up for subscriptions, and abusing the Whistleblower Portal with false and defamatory allegations that have already been investigated numerous times and been determined to be without merit, sometimes filing multiple submissions per day. (*See* Dkt. 130).

Although MAA has created a content filter designed to block emails from Philipson, MAA personnel continue to receive some, because he is using new email addresses. Philipson reached at least 70 recipients with an email sent October 14, 2024, using the email address rimmelleo@outlook.com. (*Id.* ¶ 2). The email, which was disparaging to MAA, was also sent to individuals at the Department of Justice and Pro Publica. (*Id.* ¶ 3). He has also used MAA personnel’s names and email addresses to apply for jobs and sign up for subscriptions. (*Id.* ¶ 8). On October 21, 2024, MAA Regional Vice President Jay Blackman received an email from

avalonbay@myworkday.com notifying him that his application had been received. (*Id.* ¶ 9) That same day, he also received two emails in his spam folder from usdoj@public.govdelivery.com welcoming him as a new user and confirming his subscription change. (*Id.* ¶ 10) Mr. Blackman never applied for a job through Workday, nor did he sign up for a subscription with the Department of Justice. On November 1, 2024, Philipson applied for a Regional Vice President position with MAA using a fake persona – Tommy Grimey. (*Id.* ¶ 12). Not only is this type of contact with MAA impermissible under the Injunction, his “resume” was replete with defamatory statements and innuendo about MAA, further in violation. (*Id.* ¶ 12).

Philipson continues to abuse MAA’s Whistleblower Portal, filing frivolous, duplicative and repetitive complaints, often multiple times in one day. In fact, from January 29, 2025 to April 7, 2025, Philipson has made new submissions or added additional comments or attachments to existing submissions 109 times. (*See* Declaration of Alex Tartera ¶ 13, filed contemporaneously herewith). Philipson’s submissions are only for the purpose of harassment and not a sincere attempt at rooting out wrongdoing. This further violates this Court’s Injunction.

Philipson has also sent threatening emails to MAA’s counsel. (Dkt. 135 ¶ 7). When counsel for MAA emailed Philipson a service copy of the Supplemental Declaration of Alex Tartera in Support of MAA’s Motion for Contempt as required by the Rules of Civil Procedure and the Rules of this Court, he responded “Go F*ck Yourself.” (*Id.*). He then followed up with another email stating: “Bring it on. Paige, your [sic] an unethical piece of sh*t.” (*Id.*).

Most recently, on April 1, 2025, Philipson emailed MAA personnel a “written statement” to serve “as a formal record of Mid-America Apartment Communities, Inc.’s ongoing retaliation against [him] for lawfully submitted whistleblower disclosures to multiple federal agencies.” (*See* Declaration of Alex Tartera ¶ 15, filed contemporaneously herewith). The email reached 47 MAA

recipients. (*Id.*). Philipson signed his own name to this email and used the email address mikeydphilips@gmail.com. (*Id.*).

All of Philipson's false and harassing direct communications to MAA personnel causes disruption to MAA's business, has the potential to damage the relationship between MAA and its personnel, and forces MAA to expend time and resources on blocking Philipson's repeated communications. By attempting to contact, harass, and impersonate MAA Personnel, Philipson blatantly ignores this Court's directive as set forth in the Injunction, and he shows no sign of stopping, absent drastic measures. Therefore, this Court should grant MAA's Motion for Contempt.

CONCLUSION

For the reasons stated herein, MAA respectfully requests that this Court grant the Second Motion for Contempt, award MAA its attorney's fees and costs associated with bringing this Motion for Contempt, and award any other sanctions against Philipson that the Court deems appropriate under the circumstances for Philipson to purge his contempt. MAA also requests the Court set a hearing for this Motion.

Respectfully Submitted,

/s/ Paige Waldrop Mills
Paige Waldrop Mills, BPR. No. 016218
BASS, BERRY & SIMS PLC
150 3rd Ave. South, Suite 2800
Nashville, Tennessee 37201
Tel: (615) 742-6200
pmills@bassberry.com

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***

CERTIFICATE OF CONSULTATION

I hereby certify that on April 10, 2025, counsel for MAA consulted with Defendant Dennis Philipson via email. Philipson stated that he opposes the relief sought in this motion.

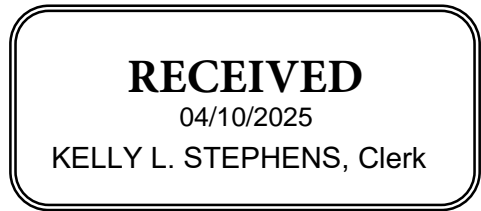
CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2025 the forgoing was served on the individual below by the ECF filing system:

Dennis Philipson
6178 Castletown Way
Alexandria, Virginia 22310
Phillydee100@gmail.com

/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.

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

Judge Lipman

Emergency Opposition to Second Contempt Motion; Request for Immediate Ruling
Defendant Dennis Philipson, pro se, hereby submits this emergency response to Plaintiff's
"Second Motion for Contempt" filed in this Court. This response is submitted solely for the
record and to note objection, not to request any action by the District Court. The matter is
currently under review by the United States Court of Appeals for the Sixth Circuit (Case No.
24-6082), which retains jurisdiction over the substantive issues and prior rulings that form
the basis of this dispute.

As made clear in numerous prior filings, the entire civil action is tainted by retaliation, due
process violations, misuse of court process, and continuing attempts to silence
whistleblower activity protected under federal law. The present contempt motion is an
extension of that pattern and is not properly before this Court while the appeal is pending.

Defendant takes no further action herein except to document opposition, reserve all rights under federal and constitutional law, and respectfully defer to the appellate court for full adjudication of the issues.

Respectfully submitted,

/s/ Dennis Philipson

Dennis Philipson

6178 Castletown Way

Alexandria, VA 22310

Phillydee100@gmail.com

Pro Se Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2025, a true and correct copy of the foregoing was served via the Court's CM/ECF system and email to:

Paige Waldrop Mills

Bass, Berry & Sims PLC

21 Platform Way South, Suite 3500

Nashville, Tennessee 37203

pmills@bassberry.com

John Golwen & Jordan Thomas

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, Tennessee 38103

jgolwen@bassberry.com | jordan.thomas@bassberry.com

/s/ Dennis Philipson

Dennis Philipson

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Case No. 24-6082

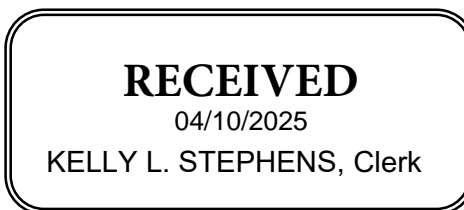
Dennis Philipson,

Pro Se Appellant,

v.

Mid-America Apartment Communities, Inc. (MAA),

Appellee.



NOTICE REGARDING DISTRICT COURT FILING AND STATUS OF APPELLATE REVIEW

Dennis Philipson, Pro Se Appellant in the above-captioned matter, respectfully submits this Notice to inform the Court that on April 10, 2025, a formal Emergency Response in Opposition to Plaintiff's Second Motion for Contempt was submitted and filed in the United States District Court for the Western District of Tennessee (Case No. 2:23-cv-02186).

This filing was made solely to preserve the appellate record and respond to new filings from Appellee that raise ongoing and escalating issues that are already before this Court. The attached response underscores the continuing concerns surrounding due process, judicial conduct, and procedural abuse that have been raised repeatedly in this appeal.

Appellant has previously submitted multiple motions and communications to this Court requesting action, including but not limited to filings directed to:

Chief Judge Jeffrey Sutton

Ms. Mandy Shoemaker, Chief Deputy Clerk

Ms. Kelly L. Stephens, Clerk of Court

Mr. Roy G. Ford, Case Manager

The Office of the Sixth Circuit Executive

To date, no ruling has been issued on the Emergency Motion filed on March 19, 2025 (Dkt. 40), and no acknowledgment has been received regarding Appellant's prior requests for review or clarification.

Appellant continues to respectfully request immediate appellate review and action, and files this Notice to maintain the accuracy and completeness of the record currently pending before this Court.

Respectfully submitted,

/s/ Dennis Philipson

Pro Se Appellant

Date: April 10, 2025

Roy Ford

From: MikeyDPhilips <mikeydphilips@gmail.com>
Sent: Friday, April 11, 2025 10:00 AM
To: Roy Ford
Subject: Fwd: Follow-Up on Emergency Filings – Philipson v. MAA

CAUTION - EXTERNAL:

Good morning,

I'm following up regarding my emergency motions currently pending before both the U.S. District Court for the Western District of Tennessee (before Judge Cheryl Lipman) and the U.S. Court of Appeals for the Sixth Circuit (before Chief Judge Jeffrey Sutton). I am also awaiting a return call from the Sixth Circuit's Circuit Executive, whom I contacted several weeks ago.

Mid-America Apartment Communities, Inc. (MAA) continues to allege that I am engaging in harassment or making disparaging remarks about its employees. These claims are inaccurate. The only action I have taken is submitting concerns through MAA's SEC-mandated whistleblower hotline, in good faith and under legal protection.

The concerns I've reported include—but are not limited to—misleading lease clauses and specials, improper application of late fees, deceptive language in press releases, inaccuracies in SEC filings, and ongoing concerns about data privacy due to insufficient network security safeguards for both residents and employees.

I must also raise a serious constitutional concern: the order issued by Judge Lipman's judicial law clerk, Michael Kapellas, in May 2024—who is a former colleague and personal associate of MAA's counsel—represents a direct violation of my rights. The fact that this prior relationship was not disclosed at the outset of the case, and was only discovered by me independently seven months later, further undermines confidence in the court's impartiality. This alone raises grounds for serious review.

For nearly three years, MAA and its counsel have used the judicial system not to seek justice, but as a weapon to harass, intimidate, and retaliate against me for protected whistleblower activity. I have documented repeated misconduct and due process violations across both the district and appellate levels.

Given the severity and urgency of these issues, I respectfully request confirmation of when my emergency filings in both courts will be reviewed and addressed.

Thank you for your time and attention.

Sincerely,
Dennis Michael Philipson
Pro Se Litigant – Case Nos. 2:23-cv-02186 (W.D. Tenn.), 24-6082 (6th Cir.)

On Thu, Apr 10, 2025, 5:41 PM MikeyDPhilips <mikeydphilips@gmail.com> wrote:

Dear Clerk,

Please see the attached Emergency Motion Response for filing in Case No. 2:23-cv-02186. It is directed to opposing counsel, the presiding judges, and the Court.

Kindly upload it to the docket.

Thank you,
Dennis Philipson



CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

RECEIVED

04/11/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE REGARDING FOLLOW-UP COMMUNICATION CONCERNING
EMERGENCY FILINGS**

Plaintiff Dennis Michael Philipson respectfully notifies the Court that a follow-up email communication regarding pending emergency motions and case issues was transmitted on the morning of April 11, 2025, to relevant court officials, including:

- Chief Judge Jeffrey S. Sutton
- Clerk of Court Kelly Stephens
- Deputy Clerk Mandy Shoemaker
- Case Manager Roy Ford
- The Pro Se Filing inbox for the Sixth Circuit (ca06_pro_se_efiling@ca6.uscourts.gov)
- Judge Sheryl Lipman
- The Clerks office of the US District Court of Western Tennessee
(Intake@tnwd.uscourts.gov)

The correspondence reiterates and documents longstanding and urgent concerns involving:

- Prolonged judicial inaction on pending emergency motions, including filings raising claims of whistleblower retaliation and procedural violations.

- Alleged violations of constitutional rights stemming from undisclosed conflicts involving judicial officers.
- Broader issues of due process, improper use of judicial process, and the weaponization of litigation tactics in ongoing matters related to Case No. 24-6082 and 2:23-cv-2186-SHL-cgc.

A copy of this follow-up communication is attached as Exhibit A for reference and formal documentation on the record.

If any of the recipient email addresses are incorrect or outdated, Plaintiff respectfully expects that the Clerk's Office will forward the attached correspondence to the appropriate court personnel in accordance with standard administrative procedure.

Dated this 11th day of April 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dm' followed by a long, sweeping horizontal stroke.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of April 2025, a true and correct copy of the foregoing **NOTICE REGARDING FOLLOW-UP COMMUNICATION CONCERNING EMERGENCY FILINGS** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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, sweeping horizontal stroke extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

RECEIVED

04/11/2025

KELLY L. STEPHENS, Clerk

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

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

Plaintiff,

v.

DENNIS PHILIPSON

Defendant.

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

**ORDER GRANTING PLAINTIFF’S SECOND MOTION FOR CONTEMPT FOR
VIOLATING PERMANENT INJUNCTION**

This matter came before the Court on the Second Motion of Plaintiff, Mid-America Apartment Communities, Inc. (“MAA” or “Plaintiff”) for Contempt For Violating Permanent Injunction (the “Motion for Contempt”) against Defendant Dennis Philipson (“Defendant”). Based upon the Motion for Contempt, the exhibits and declaration attached thereto, the arguments of counsel, and the entire record in this matter, the Court finds that the Motion for Contempt is well taken and should be granted.

1. The Court finds that Philipson used an MAA employee’s name and email address to sign up for subscriptions, in violation of Paragraph 1 of this Court’s Injunction;
2. The Court finds that Philipson used an MAA employee’s name and email address to apply for jobs, in violation of Paragraph 3 of this Court’s Injunction;
3. The Court finds that Philipson has contacted individual MAA Persons, in violation of Paragraph 8 of this Court’s Injunction;

4. The Court finds that Philipson abused MAA's whistleblower platform in violation of Paragraph 9 in violation of this Court's Injunction.

Given Philipson's repeated violations and blatant disregard for this Court's orders, the Court issues a warrant for his arrest. The Court further orders the US Marshalls to detain Philipson pursuant to this warrant and bring him to appear personally before this Court. After Philipson has been made to appear before this Court, it will award monetary sanctions and any and all other relief the court deems appropriate. The Court further finds that Plaintiff is entitled to its reasonable attorney's fees and costs associated with the Motion for Contempt.

It is therefore hereby **ORDERED, ADJUDGED AND DECREED** that the Motion for Contempt is **GRANTED**.

Plaintiff shall submit sworn declarations for the Court's consideration as to the amount of attorney's fees and costs it is claiming it incurred in bringing the Motion for Contempt.

IT IS SO ORDERED this ____ day of _____, 2025, at ____ a.m./p.m.

HONORABLE SHERYLE LIPMAN
UNITED STATES DISTRICT JUDGE

**RECEIVED**

04/11/2025

KELLY L. STEPHENS, Clerk

MikeyDPhilips <mikeydphilips@gmail.com>

Re: Follow-Up on Emergency Filings – Philipson v. MAA**MikeyDPhilips** <mikeydphilips@gmail.com>

Fri, Apr 11, 2025 at 11:55 AM

To: ca06_pro_se_efiling@ca6.uscourts.gov.trackapp.io

Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Thank you. Please instruct your case manager or web clerks to respond to the questions and motions I have submitted via the docket. Once again, I remind you that I requested a reasonable accommodation for electronic communication on 12/10/25, which remains unaddressed. Additionally, your court has yet to respond to my emergency motion.

I am also aware that mail addressed specifically to Judge Sutton was opened—this is deeply inappropriate and raises serious concerns.

Dennis Philipson

On Fri, Apr 11, 2025 at 11:46 AM CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov> wrote:

Dear Filer:

No action will be taken on this email.

This mailbox is strictly for submitting PDF documents on pending cases.

If you have any questions/concerns, you must submit the request thru the US Postal Service or call the clerk's office (513) 564-7000.

No response will be emailed to your questions/concerns.

Best

From: MikeyDPhilips <mikeydphilips@gmail.com>

Sent: Friday, April 11, 2025 10:00 AM

To: CA06_Pro_Se_Efiling <CA06_Pro_Se_Efiling@ca6.uscourts.gov>

Subject: Fwd: Follow-Up on Emergency Filings – Philipson v. MAA

CAUTION - EXTERNAL:

Good morning,

I'm following up regarding my emergency motions currently pending before both the U.S. District Court for the Western District of Tennessee (before Judge Cheryl Lipman) and the U.S. Court of Appeals for the Sixth Circuit (before Chief Judge Jeffrey Sutton). I am also awaiting a return call from the Sixth Circuit's Circuit Executive, whom I contacted several weeks ago.

Mid-America Apartment Communities, Inc. (MAA) continues to allege that I am engaging in harassment or making disparaging remarks about its employees. These claims are inaccurate. The only action I have taken is submitting concerns through MAA's SEC-mandated whistleblower hotline, in good faith and under legal protection.

The concerns I've reported include—but are not limited to—misleading lease clauses and specials, improper application of late fees, deceptive language in press releases, inaccuracies in SEC filings, and ongoing concerns about data privacy due to insufficient network security safeguards for both residents and employees.

I must also raise a serious constitutional concern: the order issued by Judge Lipman's judicial law clerk, Michael Kapellas, in May 2024—who is a former colleague and personal associate of MAA's counsel—represents a direct violation of my rights. The fact that this prior relationship was not disclosed at the outset of the case, and was only discovered by me independently seven months later, further undermines confidence in the court's impartiality. This alone raises grounds for serious review.

For nearly three years, MAA and its counsel have used the judicial system not to seek justice, but as a weapon to harass, intimidate, and retaliate against me for protected whistleblower activity. I have documented repeated misconduct and due process violations across both the district and appellate levels.

Given the severity and urgency of these issues, I respectfully request confirmation of when my emergency filings in both courts will be reviewed and addressed.

Thank you for your time and attention.

Sincerely,

Dennis Michael Philipson

Pro Se Litigant – Case Nos. 2:23-cv-02186 (W.D. Tenn.), 24-6082 (6th Cir.)

On Thu, Apr 10, 2025, 5:41 PM MikeyDPhilips <mikeydphilips@gmail.com> wrote:

Dear Clerk,

Please see the attached Emergency Motion Response for filing in Case No. 2:23-cv-02186. It is directed to opposing counsel, the presiding judges, and the Court.

Kindly upload it to the docket.

Thank you,

Dennis Philipson

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

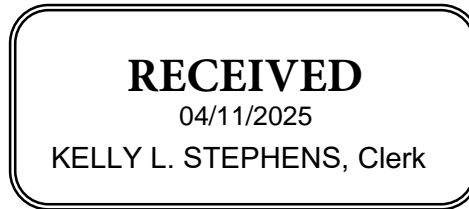


MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Case No. 2:23-cv-02186 Proposed Order re Second Motion for Contempt

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Fri, Apr 11, 2025 at 11:57 AM



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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Fri, Apr 11, 2025 at 11:54 AM
Subject: Re: Case No. 2:23-cv-02186 Proposed Order re Second Motion for Contempt
To: <jordan.thomas@bassberry.com>, <ecf_judge_lipman@tnwd.uscourts.gov>, <pmills@bassberry.com>, <jgolwen@bassberry.com>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Thank you.

To be absolutely clear, Judge—I will not comply with any order you issue. You have violated my constitutional rights and denied me due process. This case is marked by persistent judicial misconduct.

To Bass, Berry & Sims PLC: I have also contacted your Executive Committee to share my concerns and request their perspective on your firm's conduct in this matter.

Dennis Philipson

On Fri, Apr 11, 2025, 11:43 AM Thomas, Jordan <jordan.thomas@bassberry.com> wrote:

Attached is a proposed Order Granting MAA's Second Motion for Contempt, filed yesterday in the above-captioned case. Please let us know if you have any problems accessing this document.

Thanks,

Jordan Thomas

**Jordan Thomas**

Associate

Bass, Berry & Sims PLC

The Tower at Peabody Place 100 Peabody Place, Suite 1300 • Memphis, TN 38103

901-543-5966 phone

jordan.thomas@bassberry.com • www.bassberry.com

map



2 attachments

BASS BERRY+SIMS image001.gif
4K

LexMundi Member image002.jpg
155K

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04/11/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

)
)
) NOTICE TO THE COURT
)
)
)
)

NOTICE TO THE COURT –

**Submission of Communications Related to Proposed Order for Contempt and Retaliatory
Conduct**

TO THE COURT AND ALL PARTIES:

Pro Se Defendant Dennis Michael Philipson respectfully submits this Notice of Filing to place on record the following attached communications, which are directly relevant to the Plaintiff's Second Motion for Contempt and the Court's handling of this matter:

1. April 11, 2025 – Email Chain and Proposed Order from Plaintiff's Counsel

Plaintiff's counsel forwarded a proposed order that would grant their second contempt motion and issue a warrant for my arrest. The substance and tone of this communication reflect continued harassment and weaponization of the legal process. This proposed order is deeply flawed, factually inaccurate, and procedurally suspect. It reflects a pattern of bad-faith conduct by MAA and its attorneys, who have leveraged the courts to silence and intimidate a protected whistleblower.

2. April 11, 2025 – My Response to the Proposed Order

I responded directly to the parties and the Court, rejecting the legitimacy of the proposed.

3. order on constitutional grounds and reiterating my position that this case is tainted by judicial misconduct and irreparable due process violations.

4. April 11, 2025 – Communication to Sixth Circuit Regarding Unaddressed Emergency Filings

This communication documents the Court of Appeals' failure to respond to multiple emergency filings, as well as serious administrative irregularities. It is submitted here because it references and expands upon the underlying misconduct and retaliation occurring in the district court.

These documents, taken together, illustrate a continued pattern of abusive litigation tactics, judicial bias, and improper procedural behavior that cannot go unexamined. I request that this Court make these documents part of the official docket and take notice of the escalating retaliation and due process violations that remain unremedied.

Dated this 11th day of April 2025

Respectfully submitted,
/s/ Dennis Michael Philipson



Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2025, a true and correct copy of the foregoing **NOTICE TO THE COURT – Submission of Communications Related to Proposed Order for Contempt and Retaliatory Conduct**

was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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: April 14, 2025

Mr. Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

Re: Case No. 24-6082, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*
Originating Case No. : 2:23-cv-02186

Dear Mr. Philipson,

Please be advised that this matter remains pending before the court. Once the court issues a final decision, you will be notified by mail. While this office cannot offer legal advice, you may direct procedural questions to me at 513-564-7016.

Sincerely yours,

s/Roy G. Ford
Case Manager
Direct Dial No. 513-564-7016

cc: 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

Case No. 24-6082

Mid-America Apartment Communities, Inc. v. Dennis Michael Philipson

NOTICE IN RESPONSE TO CLERK'S LETTER DATED APRIL 14, 2025

REGARDING PROCEDURAL COMMUNICATION AND COURT CONDUCT

To the Clerk and Court:

Pro Se Appellant Dennis Michael Philipson respectfully submits this Notice in response to the April 14, 2025 letter from Mr. Roy G. Ford, Case Manager, which advised that this appeal remains pending and stated that "this office cannot offer legal advice."

For the record, I did not request legal advice. Rather, I submitted procedural questions to this Court's administrative staff after months of silence and unresolved filings. These included:

1. The status of multiple emergency motions filed in March 2025;
2. The status of my pending motion for reasonable accommodation, filed December 2024;
3. Clarification of docket entries inconsistently labeled as "correspondence" rather than motions or notices;
4. Confirmation of whether a judicial panel has been assigned or whether the appeal has been calendared;
5. Whether the Clerk's Office or Circuit Executive reviewed materials related to judicial misconduct and potential conflicts of interest documented in this matter.

These are standard procedural inquiries that any pro se litigant has a right to make under the Due Process Clause and consistent with Rule 46© of the Federal Rules of Appellate Procedure, which provides that the clerk must keep the docket and handle filings accurately. Moreover, administrative transparency is not optional—it is essential,

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04-14/2025

KELLY L. STEPHENS, Clerk

especially when the Appellant has raised documented concerns of judicial irregularity, conflicts of interest, and retaliation.

This Court's continued failure to respond substantively to these procedural questions raises serious constitutional and ethical concerns. Stating that the Court "cannot offer legal advice" when I have asked only about procedural matters is a mischaracterization and, frankly, a deflection.

Furthermore, the administrative silence—and now, dismissive treatment of valid procedural questions—suggests the Sixth Circuit's internal staff, including the Circuit Executive and this Clerk's Office, are failing to meet the minimum requirements of impartiality and diligence, particularly given the context: a whistleblower retaliation case involving judicial misconduct allegations and disability accommodation issues under the ADA and Section 504 of the Rehabilitation Act.

To the extent that the Sixth Circuit continues to ignore procedural requests and fails to address pending motions while communicating only through boilerplate form letters, I must state for the record: I view this as further evidence of systemic complacency, if not complicity, with the serious ethical and procedural violations that have occurred in both the district and appellate proceedings.

Request for Relief:

I request the Court:

1. Confirm the status of all pending motions in this case;
2. Confirm whether a judicial panel has been assigned and whether this case has been calendared;
3. Provide a written response clarifying the docket entries and explaining why correspondence filed in December and January was misclassified;
4. State whether the Court or Circuit Executive has conducted any review of the judicial misconduct and conflict-of-interest allegations raised;

5. Confirm whether the Court intends to rule on my pending ADA accommodation request and emergency motions in a timely manner.

Pro se litigants are not second-class participants in the judicial process. I am entitled to answers, transparency, and timely adjudication—especially in a case involving severe reputational, legal, and constitutional harms.

Respectfully submitted,

/s/ Dennis Michael Philipson

Dennis Michael Philipson (Pro Se Appellant)

6178 Castletown Way

Alexandria, VA 22310

(949) 432-6184

mikeydphilips@gmail.com

Dated: April 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of April, 2025, a true and correct copy of the foregoing Notice in Response to Clerk's Letter Dated April 14, 2025 was:

Filed and served via CM/ECF (PACER) upon all registered counsel of record in Case No. 24-6082, including:

John S. Golwen

Paige Waldrop Mills

Jordan Elizabeth Thomas

Served via email to the following Clerk's Office personnel for docketing and administrative review:

Roy Ford (Case Manager) – roy.ford@ca6.uscourts.gov

Mandy Shoemaker (Circuit Mediator) – mandy.shoemaker@ca6.uscourts.gov

Kelly Stephens (Clerk of Court) – kelly.stephens@ca6.uscourts.gov

General intake address – CA06_Pro_Se_Efiling@ca6.uscourts.gov

Respectfully submitted,

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Appellant

6178 Castletown Way

Alexandria, VA 22310

(949) 432-6184

mikeydphilips@gmail.com

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

RECEIVED
04/14/2025
KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

NOTICE TO THE COURT

Procedural Clarification, Ethics Reporting, and Emergency Motion Process

To The Sixth Circuit Court of Appeals:

Pro Se Appellant Dennis Michael Philipson respectfully submits this Notice to place on the record a communication dated April 14, 2025 received from the Clerk's Office of the United States Court of Appeals for the Fifth Circuit, which addresses key procedural and administrative questions previously ignored or deflected by this Court.

This filing is not a request for legal advice, but rather an official notice regarding administrative procedure and the duty of the courts to address filings, provide transparency to pro se litigants, and uphold due process.

I. Background and Procedural Concerns

On March 19, 2025, I filed an Emergency Motion (Dkt. 40) with this Court raising serious constitutional and statutory violations, including:

- Retaliation against a whistleblower;
- ADA-related due process failures;
- Ongoing judicial misconduct and conflicts of interest.

As of the date of this filing, the Sixth Circuit has taken no action or acknowledgment on that motion—or on several others filed before and after it.

Despite follow-up emails to the Clerk’s Office, Circuit Executive, and named personnel (including Chief Judge Sutton and Ms. Kelly Stephens), I have received no official response. In an effort to understand whether this total silence is consistent with internal procedure or represents a breakdown, I contacted other federal circuit courts for clarity, including the Fifth Circuit.

II. Fifth Circuit Response (April 14, 2025)

In response to my procedural questions, Margaret Dufour of the Fifth Circuit CM/ECF Help Desk provided the following insights, which I now incorporate into the record:

- There is no fixed time to rule on emergency motions, but they are sometimes held with the merits.
- Judicial conduct complaints are reviewed by the Chief Judge and can be submitted without an attorney. These complaints are confidential and must be physically mailed to the Clerk’s Office with a real signature.
- Communication disability accommodations are available, typically for impairments involving seeing, hearing, or similar limitations. Each court is expected to have a designated ADA coordinator.

These clarifications were provided promptly and respectfully—even though the Fifth Circuit has

no jurisdiction over my case. By contrast, the Sixth Circuit has refused to respond to similar questions now pending for months.

III. Legal and Procedural Issues at Hand

To reiterate, I am not seeking “legal advice.” I am documenting the following failures in basic procedural conduct:

1. Non-response to Emergency Motion (Dkt. 40) and others (Dkts. 23, 29, 33, 42), violating the spirit of Fed. R. App. P. 27 and constitutional due process.
2. Failure to address pending ADA accommodation requests, contrary to 28 U.S.C. § 332(d)(1)(B), the Rehabilitation Act, and the court’s own obligations under Judicial Conference guidelines.
3. Ignored requests for confirmation of docketing, assignment of judicial panel, and status of administrative complaints to the Circuit Executive.
4. No meaningful ethics or conduct complaint process made accessible to pro se parties, and no confirmation whether the Sixth Circuit has reviewed or acted on prior misconduct reports.
5. Mislabeling and non-docketing of filings, constituting administrative irregularity and potential concealment.

This ongoing administrative nonperformance contributes to a pattern of due process deprivation and access-to-justice failures that are not merely incidental—but systemic. The response from the Fifth Circuit, while out-of-jurisdiction, illustrates that other appellate courts do respond to inquiries with professional courtesy, clarity, and procedural transparency.

Dated this 14th day of April 2025

*Respectfully submitted,
/s/ Dennis Michael Philipson*

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April 2025, a true and correct copy of the foregoing **NOTICE TO THE COURT – Submission of Communications Related to Proposed Order for Contempt and Retaliatory Conduct**

was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

Served via email to the following Clerk's Office personnel for docketing and administrative review:

- Roy Ford (Case Manager) – roy.ford@ca6.uscourts.gov
- Mandy Shoemaker (Circuit Mediator) – mandy.shoemaker@ca6.uscourts.gov
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- Judge Jeffrey Sutton – Jeffrey.Sutton@ca6.uscourts.gov
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/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se



MikeyDPhilips <mikeydphilips@gmail.com>

Re: Questions About Emergency Motion and Ethics Reporting Mechanism

ca05db_CM-ECF <ca05_cmecf@ca5.uscourts.gov>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Mon, Apr 14, 2025 at 11:11 AM

Thank you, same to you. Good luck with everything!

Very Respectfully,

Margaret Dufour
US 5th Circuit CM/ECF Help Desk
504-310-7655



From: MikeyDPhilips <mikeydphilips@gmail.com>
Sent: Monday, April 14, 2025 10:08 AM
To: ca05db_CM-ECF <ca05_cmecf@ca5.uscourts.gov>
Subject: Re: Questions About Emergency Motion and Ethics Reporting Mechanism

CAUTION - EXTERNAL:

This is really helpful. I really appreciate you taking the time to respond to this. I hope you have a nice week.

Dennis

On Mon, Apr 14, 2025, 11:07 AM ca05db_CM-ECF <ca05_cmecf@ca5.uscourts.gov> wrote:

I'm sorry for my misunderstanding.

To answer your question, there is no set time for rulings on motions, sometimes it takes a few days and sometimes the motions are held with the merits of the case and not ruled upon until much later.

Our judicial conduct matters are reviewed by the Chief Judge - those are all completely confidential, I do not have details on processing times. You do not need an attorney to file one, you fill out the form at the back of the rules document and attach additional details and mail it to the Clerk's Office with a real signature (original document). More details are here: <https://www.ca5.uscourts.gov/rules-procedures/rules/judicial-misconduct-and-disability-rules>

I can also inform you that the US courts will provide accommodations for communication disabilities only - each court should have a disability coordinator that can help you with this, but I am not sure your disability would be considered a communication barrier - it is meant to assist those who cannot see or hear with the ability to be accommodated to hear and see communications that come FROM the court. We identify our disability coordinator on our [Address and Contact Information](#) Sheet on our website.

I hope this answers your question(s).

Have a nice day!

Very Respectfully,

Margaret Dufour
US 5th Circuit CM/ECF Help Desk
504-310-7655

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Sent: Monday, April 14, 2025 9:54 AM
To: ca05db_CM-ECF <ca05_cmecf@ca5.uscourts.gov>
Subject: Re: Questions About Emergency Motion and Ethics Reporting Mechanism

CAUTION - EXTERNAL:

Thank you, yes, I understood. It was just the general question about your specific Court's procedures regarding emergency motions, ethics, reporting, etc..

Thank you for the response.

Dennis

On Mon, Apr 14, 2025, 10:44 AM ca05db_CM-ECF <ca05_cmecf@ca5.uscourts.gov> wrote:

Good Morning,

I have been on vacation and it does not appear anyone responded to you.

You are not contacting the correct court, this is the US Fifth Circuit, we handle cases for Texas, Louisiana and Mississippi.

The Sixth Circuit: [Sixth Circuit | United States Court of Appeals](#)

Sixth Circuit | United States Court of Appeals

Welcome to the Sixth Circuit Court of Appeals Potter Stewart U.S. Courthouse [100 East Fifth Street Cincinnati, Ohio 45202](#) Phone: (513) 564-7000 Hours: 8:30 am - 5:00 pm M-F

www.ca6.uscourts.gov

Have a nice day!

Very Respectfully,

Margaret Dufour
US 5th Circuit CM/ECF Help Desk
504-310-7655

From: MikeyDPhilips <mikeydphilips@gmail.com>
Sent: Tuesday, April 8, 2025 10:15 AM
To: ca05db_CM-ECF <ca05_cmecf@ca5.uscourts.gov>
Subject: Questions About Emergency Motion and Ethics Reporting Mechanism

CAUTION - EXTERNAL:

To Whom it may concern,

Is there an official mechanism within the courts for reporting judicial or administrative ethics concerns? Or do litigants need to have an attorney just to get anywhere with the courts?

Also, I'm writing to ask a basic (non-legal) but important procedural question — not seeking legal advice: how long does your court typically take to rule on an emergency motion? Mine has now been pending for weeks without acknowledgment or action, despite raising serious due process concerns.

Frankly, I feel that because I am a pro se litigant, I'm being treated unfairly — my rights are being violated through unexplained delays and procedural misconduct in both the Federal District Court (Western District of Tennessee) and the Sixth Circuit Court of Appeals.

Other than continuing to make the courts aware of my repeated filings and administrative complaints — many of which I've submitted to the Pro Se inbox and uploaded to the docket — I'm not sure what else I can do to get this case reviewed properly. I previously filed a Circuit Executive complaint last year, which was seemingly ignored outright and never reviewed on the merits. This suggests purposeful avoidance, not mere oversight.

I'd also like to ask whether your courts have any mechanism for reporting severe administrative failures or systemic case mishandling, especially where misconduct may involve both district and appellate levels. I've already reported the broader retaliation issues to the DOJ and FBI, including the background of this case as a whistleblower matter involving Mid-America Apartment Communities (MAA). This entire proceeding feels retaliatory and contrived — a legal facade designed to exhaust me or discourage further pursuit of my rights.

I am not seeking legal representation, as I do not believe counsel would change the reality of what appears to be institutional resistance to oversight and accountability.

Any guidance, acknowledgment, or action would be appreciated.

Thank you,
Dennis Philipson
Pro Se Appellant
Case No. 24-6082

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

From: MikeyDPhilips <mikeydphilips@gmail.com>
Date: Mon, Apr 7, 2025 at 6:17 PM
Subject: Judicial Misconduct and Delays – Request for Circuit-Level Guidance
To: <ca01_pro_se_efiling@ca1.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Dear Appellate Courts,

My name is Dennis Philipson, and I am a pro se litigant in an active matter before the Sixth Circuit Court of Appeals (Case No. 24-6082), which stems from a civil action filed in the Western District of Tennessee (Case No. 2:23-cv-02186). I'm reaching out to each of you individually as members of the broader federal appellate judiciary to ask:

How long does it typically take your court to review an emergency motion? And how does your court respond to credible allegations of judicial misconduct and procedural abuse?

This is not a theoretical question. On March 19, 2025, I filed an Emergency Motion for Immediate Judicial Action with the Sixth Circuit (Dkt. 40), raising serious allegations of due process violations, ADA noncompliance, retaliation, intimidation, and active suppression of whistleblower activity. That motion remains completely unaddressed—with no acknowledgment, no review, no notice.

I have personally written to The Jeffrey S. Sutton, Chief Judge of the United States Court of Appeals for the Sixth Circuit; Ms. Mandy Shoemaker, Chief Deputy Clerk; Ms. Kelly L. Stephens, Clerk of Court; and Mr. Roy G. Ford, Case Manager, and have also placed multiple calls to the Sixth Circuit Clerk's Office requesting a status update on my emergency motion and the broader appeal. Despite these efforts, I have received no responses, no docket updates, and no indication that my filings are being reviewed or acknowledged. The continued lack of communication from

senior court officials at this level raises serious concerns about transparency, access to the court, and the ability of a pro se litigant to receive fair and timely consideration.

This follows months of what I can only describe as institutional stonewalling by both the district court and now the appellate court, involving repeated due process failures, unexplained docket delays, and procedural sabotage that would be obvious to anyone even skimming the docket.

A few of the more troubling facts:

- The district court (W.D. Tenn.) permitted discovery abuses aimed at revealing confidential whistleblower filings I submitted to federal agencies, including the SEC, DOJ, and IRS. These documents—intended to expose potential securities fraud, accounting manipulation, antitrust coordination, and deceptive business practices—were used against me by a billion-dollar public company and its retained law firm with no protection from the court.
- Sealed documents were leaked, protective orders were ignored, and multiple warnings of psychological harm were brushed aside—all while I was forced to defend myself pro se, without any effort by the court to regulate or mitigate the imbalance.
- My Motion for Reasonable Accommodation, filed on December 10, 2024, was not reviewed for months despite repeated follow-ups and additional correspondence (see Dkts. 5, 14, 15, 18, 20).
- I submitted a formal complaint to the Sixth Circuit's Circuit Executive many months ago regarding the misconduct in the district court. That complaint has been met with silence. I've yet to receive confirmation that it was received, let alone acted on.
- Opposing counsel has continued to submit bad-faith filings, including attempts to reopen the district court case for retaliatory discovery tactics, while I am still on appeal. The appellate court has made no effort to clarify jurisdiction, stay conflicting actions, or enforce order.
- My name has been publicly smeared online, including in dockets and filings stemming directly from this mishandling. The reputational harm is ongoing—and sanctioned by judicial inaction.
- The Sixth Circuit has failed to respond to multiple motions (including Dkts. 23, 29, 33, 40, 42), as well as formal notifications of harassment, procedural irregularities, and record supplementation.

I understand that the federal judiciary is not here to serve pro se litigants with extra deference—but it is obligated to uphold basic due process. That has not happened here. And the lack of response from the Sixth Circuit suggests a level of institutional neglect, if not outright protectionism, for lower court errors and internal entanglements.

So I ask again:

- What is your court's typical timeline for addressing emergency motions involving civil rights, ADA violations, or judicial misconduct?
- Would your circuit allow an emergency filing to sit unreviewed for nearly three weeks, despite obvious indicators of retaliation and procedural failure?
- Does your circuit provide a way for pro se parties to request internal review or flag these types of breakdowns—when complaints to a Circuit Executive are ignored?

I have attached two documents that summarize portions of the docket (PDF and text formats). They show not just the volume of filings submitted, but the complete breakdown of communication, judicial oversight, and procedural balance.

If no response or action is received from the Sixth Circuit by Wednesday, April 9, I will file a public record submission outlining this failure—both in this case and more broadly—so that future litigants and oversight bodies can learn from this breakdown.

Thank you for your time and consideration.

Dennis Michael Philipson
Pro Se Appellant – Sixth Circuit Case No. 24-6082
[6178 Castletown Way](#)
[Alexandria, VA 22310](#)
MikeydPhilips@gmail.com
(949) 432-6184

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

From: MikeyDPhilips <mikeydphilips@gmail.com>

Date: Mon, Apr 7, 2025 at 1:52 PM

Subject: Request for Status Update – Case No. 24-6082 (Philipson v. MAA)

To: ca06_pro_se_efiling@ca6.uscourts.gov, <Jeffrey_sutton@ca6.uscourts.gov>, <roy_ford@ca6.uscourts.gov>, <mandy_shoemaker@ca6.uscourts.gov>, <kelly_stephens@ca6.uscourts.gov>

Cc: MikeyDPhilips mikeydphilips@gmail.com

Judge Sutton, Ms. Shoemaker, Ms. Stevens, Mr. Ford, and the Clerk's Office,

I am writing to request a status update on Case No. 24-6082, which has now been pending for several months without any action on my Emergency Motion filed on March 19, 2025. That motion raised allegations of judicial misconduct and other serious procedural issues that require prompt attention. To date, it does not appear that the Court has reviewed or ruled on it.

Given the nature of the filing and the issues raised, I am unsure why this matter is still unresolved. I am requesting a written update on the status of the case and pending motions—either by mail or email—no later than Wednesday, April 9, 2025.

If I do not hear back by that date, I will file an official document on the docket addressing the ongoing delay.

Dennis Philipson
Pro Se Appellant

☐ 04-07-2025 - Partial Docket Files.pdf [Download](#)

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

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RECEIVED

04/14/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

NOTICE TO THE COURT

Procedural Clarification, Ethics Reporting, and Emergency Motion Process

To The Sixth Circuit Court of Appeals:

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II. Fifth Circuit Response (April 14, 2025)

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/s/ Dennis Michael Philipson*

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Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

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was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
Tel: (615) 742-6200

John Golwen, BPR No. 014324
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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

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/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se



MikeyDPhilips <mikeydphilips@gmail.com>

Re: Questions About Emergency Motion and Ethics Reporting Mechanism

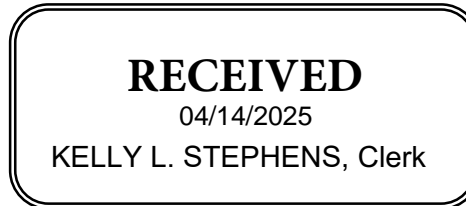
ca05db_CM-ECF <ca05_cmecf@ca5.uscourts.gov>
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Mon, Apr 14, 2025 at 11:11 AM

Thank you, same to you. Good luck with everything!

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Margaret Dufour
US 5th Circuit CM/ECF Help Desk
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The Sixth Circuit: [Sixth Circuit | United States Court of Appeals](#)

Sixth Circuit | United States Court of Appeals

Welcome to the Sixth Circuit Court of Appeals Potter Stewart U.S. Courthouse [100 East Fifth Street Cincinnati, Ohio 45202](#) Phone: (513) 564-7000 Hours: 8:30 am - 5:00 pm M-F

www.ca6.uscourts.gov

Have a nice day!

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Any guidance, acknowledgment, or action would be appreciated.

Thank you,
Dennis Philipson
Pro Se Appellant
Case No. 24-6082

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Cc: MikeyDPhilips <mikeydphilips@gmail.com>

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How long does it typically take your court to review an emergency motion? And how does your court respond to credible allegations of judicial misconduct and procedural abuse?

This is not a theoretical question. On March 19, 2025, I filed an Emergency Motion for Immediate Judicial Action with the Sixth Circuit (Dkt. 40), raising serious allegations of due process violations, ADA noncompliance, retaliation, intimidation, and active suppression of whistleblower activity. That motion remains completely unaddressed—with no acknowledgment, no review, no notice.

I have personally written to The Jeffrey S. Sutton, Chief Judge of the United States Court of Appeals for the Sixth Circuit; Ms. Mandy Shoemaker, Chief Deputy Clerk; Ms. Kelly L. Stephens, Clerk of Court; and Mr. Roy G. Ford, Case Manager, and have also placed multiple calls to the Sixth Circuit Clerk's Office requesting a status update on my emergency motion and the broader appeal. Despite these efforts, I have received no responses, no docket updates, and no indication that my filings are being reviewed or acknowledged. The continued lack of communication from

senior court officials at this level raises serious concerns about transparency, access to the court, and the ability of a pro se litigant to receive fair and timely consideration.

This follows months of what I can only describe as institutional stonewalling by both the district court and now the appellate court, involving repeated due process failures, unexplained docket delays, and procedural sabotage that would be obvious to anyone even skimming the docket.

A few of the more troubling facts:

- The district court (W.D. Tenn.) permitted discovery abuses aimed at revealing confidential whistleblower filings I submitted to federal agencies, including the SEC, DOJ, and IRS. These documents—intended to expose potential securities fraud, accounting manipulation, antitrust coordination, and deceptive business practices—were used against me by a billion-dollar public company and its retained law firm with no protection from the court.
- Sealed documents were leaked, protective orders were ignored, and multiple warnings of psychological harm were brushed aside—all while I was forced to defend myself pro se, without any effort by the court to regulate or mitigate the imbalance.
- My Motion for Reasonable Accommodation, filed on December 10, 2024, was not reviewed for months despite repeated follow-ups and additional correspondence (see Dkts. 5, 14, 15, 18, 20).
- I submitted a formal complaint to the Sixth Circuit's Circuit Executive many months ago regarding the misconduct in the district court. That complaint has been met with silence. I've yet to receive confirmation that it was received, let alone acted on.
- Opposing counsel has continued to submit bad-faith filings, including attempts to reopen the district court case for retaliatory discovery tactics, while I am still on appeal. The appellate court has made no effort to clarify jurisdiction, stay conflicting actions, or enforce order.
- My name has been publicly smeared online, including in dockets and filings stemming directly from this mishandling. The reputational harm is ongoing—and sanctioned by judicial inaction.
- The Sixth Circuit has failed to respond to multiple motions (including Dkts. 23, 29, 33, 40, 42), as well as formal notifications of harassment, procedural irregularities, and record supplementation.

I understand that the federal judiciary is not here to serve pro se litigants with extra deference—but it is obligated to uphold basic due process. That has not happened here. And the lack of response from the Sixth Circuit suggests a level of institutional neglect, if not outright protectionism, for lower court errors and internal entanglements.

So I ask again:

- What is your court's typical timeline for addressing emergency motions involving civil rights, ADA violations, or judicial misconduct?
- Would your circuit allow an emergency filing to sit unreviewed for nearly three weeks, despite obvious indicators of retaliation and procedural failure?
- Does your circuit provide a way for pro se parties to request internal review or flag these types of breakdowns—when complaints to a Circuit Executive are ignored?

I have attached two documents that summarize portions of the docket (PDF and text formats). They show not just the volume of filings submitted, but the complete breakdown of communication, judicial oversight, and procedural balance.

If no response or action is received from the Sixth Circuit by Wednesday, April 9, I will file a public record submission outlining this failure—both in this case and more broadly—so that future litigants and oversight bodies can learn from this breakdown.

Thank you for your time and consideration.

Dennis Michael Philipson
Pro Se Appellant – Sixth Circuit Case No. 24-6082
[6178 Castletown Way](#)
[Alexandria, VA 22310](#)
MikeydPhilips@gmail.com
(949) 432-6184

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

From: MikeyDPhilips <mikeydphilips@gmail.com>

Date: Mon, Apr 7, 2025 at 1:52 PM

Subject: Request for Status Update – Case No. 24-6082 (Philipson v. MAA)

To: ca06_pro_se_efiling@ca6.uscourts.gov, <Jeffrey_sutton@ca6.uscourts.gov>, <roy_ford@ca6.uscourts.gov>, <mandy_shoemaker@ca6.uscourts.gov>, <kelly_stephens@ca6.uscourts.gov>

Cc: MikeyDPhilips mikeydphilips@gmail.com

Judge Sutton, Ms. Shoemaker, Ms. Stevens, Mr. Ford, and the Clerk's Office,

I am writing to request a status update on Case No. 24-6082, which has now been pending for several months without any action on my Emergency Motion filed on March 19, 2025. That motion raised allegations of judicial misconduct and other serious procedural issues that require prompt attention. To date, it does not appear that the Court has reviewed or ruled on it.

Given the nature of the filing and the issues raised, I am unsure why this matter is still unresolved. I am requesting a written update on the status of the case and pending motions—either by mail or email—no later than Wednesday, April 9, 2025.

If I do not hear back by that date, I will file an official document on the docket addressing the ongoing delay.

Dennis Philipson
Pro Se Appellant

☐ 04-07-2025 - Partial Docket Files.pdf [Download](#)

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

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MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Case Status

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Tue, Apr 15, 2025 at 12:48 PM

RECEIVED

04/15/2025

KELLY L. STEPHENS, Clerk

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>

Date: Tue, Apr 15, 2025 at 12:41 PM

Subject: Case Status

To: <ecf_judge_lipman@tnwd.uscourts.gov>, <honorable_jeffrey_sutton@ca6.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>, <jgolwen@bassberry.com>, <jordan.thomas@bassberry.com>, <roy_ford@ca6.uscourts.gov>, <mandy_shoemaker@ca6.uscourts.gov>, <kelly_stephens@ca6.uscourts.gov>, <kelly.stephens@ca6.uscourts.gov>, <pmills@bassberry.com>, <ca06_pro_se_efiling@ca6.uscourts.gov>

Cc: <mikeydphilips@gmail.com>

To the U.S. District Court for the Western District of Tennessee and the U.S. Court of Appeals for the Sixth Circuit:
Attn: Chief Judge Sheryl H. Lipman and Chief Judge Jeffrey S. Sutton

Is any court—or either Chief Judge—going to issue a ruling in these cases? Or is this indefinite delay going to continue, despite the clear constitutional violations, ongoing retaliation, and the persistent use of the judicial system as a weapon to harass and intimidate a pro se whistleblower?

The record now shows repeated failures to act on multiple motions, including emergency filings and ADA accommodation requests. These are not procedural technicalities—they involve fundamental rights protected by the Due Process Clause, the First Amendment, and federal whistleblower and disability laws. By declining to act, both courts are effectively enabling abuse through silence.

This prolonged inaction has real consequences. It emboldens opposing counsel's misconduct, allows bad-faith litigation tactics to escalate, and deprives me of access to a fair and functioning judicial process. The judiciary's refusal to intervene sends a dangerous signal that procedural fairness and ethical oversight are optional—especially for pro se litigants.

So again I ask:

Will either court fulfill its duty and rule? Or will the constitutional violations continue to compound while both courts remain silent and unaccountable?

Thank you.

Have a nice day.

Dennis Michael Philipson

Pro Se Litigant – Case Nos. 2:23-cv-02186 (W.D. Tenn.) / 24-6082 (6th Cir.)

On Fri, Apr 11, 2025 at 12:41 PM MikeyDPhilips <mikeydphilips@gmail.com> wrote:

Also, Jordan — thank you for your continued involvement. Please do let me know when the U.S. Marshals are expected to arrive. I've baked cookies and I will put the coffee on.

Have a good day!

Dennis

On Fri, Apr 11, 2025 at 11:54 AM MikeyDPhilips <mikeydphilips@gmail.com> wrote:

Thank you.

To be absolutely clear, Judge—I will not comply with any order you issue. You have violated my constitutional rights and denied me due process. This case is marked by persistent judicial misconduct.

To Bass, Berry & Sims PLC: I have also contacted your Executive Committee to share my concerns and request their perspective on your firm's conduct in this matter.

Dennis Philipson

On Fri, Apr 11, 2025, 11:43 AM Thomas, Jordan <jordan.thomas@bassberry.com> wrote:

Attached is a proposed Order Granting MAA's Second Motion for Contempt, filed yesterday in the above-captioned case. Please let us know if you have any problems accessing this document.

Thanks,

Jordan Thomas

 Bass Berry Sims

Jordan Thomas

Associate

Bass, Berry & Sims PLC

The Tower at [Peabody Place](#) 100 Peabody Place, Suite 1300 • Memphis, TN 38103

901-543-5966 phone

jordan.thomas@bassberry.com • www.bassberry.com

[map](#)

 LexMundi

RECEIVED

04/15/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE OF FILING – COMMUNICATION REGARDING CASE STATUS,
JUDICIAL INACTION, AND ONGOING CONSTITUTIONAL
VIOLATIONS**

To the Courts:

Pro Se Appellant and Defendant Dennis Michael Philipson submits this Notice of Filing to enter into the record an email communication dated April 15, 2025, addressed to the Sixth Circuit and the Western District of Tennessee, including Chief Judges Sutton and Lipman, and relevant court personnel and opposing counsel.

This communication was sent in light of ongoing failures by both the district and appellate courts to issue rulings on multiple pending matters, including:

- An Emergency Motion for Immediate Judicial Action (Dkt. 40, 6th Cir.);
- A long-pending Motion for Reasonable Accommodation (Dkt. 5, W.D. Tenn.);
- Repeated filings reporting misconduct, procedural breakdowns, and retaliation.

The email expresses deep concern regarding the courts' prolonged silence and procedural inaction, especially in a matter involving whistleblower retaliation, ADA-related due process issues, and continuing abuse of process by opposing counsel.

The language of the communication also responds directly to recent conduct by Plaintiff's counsel—including their proposed contempt order seeking arrest and sanctions—as well as the courts' apparent unwillingness to intervene despite constitutional obligations.

Purpose of Filing:

This filing serves to:

1. Preserve the content and timing of the attached communication for the record;
2. Document continued judicial inaction despite urgent constitutional and statutory issues;
3. Clarify that the statements made therein reflect the lived reality of a pro se whistleblower facing unlawful retaliation, reputational harm, and systemic denial of access to justice.

Dated this 15th day of April 2025

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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April 2025, a true and correct copy of the foregoing
NOTICE TO THE COURT

was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

Served via email to the following Clerk's Office personnel for docketing and administrative review:

- Roy Ford (Case Manager) – roy.ford@ca6.uscourts.gov
- Mandy Shoemaker (Circuit Mediator) – mandy.shoemaker@ca6.uscourts.gov
- Kelly Stephens (Clerk of Court) – kelly.stephens@ca6.uscourts.gov
- Judge Jeffrey Sutton – Jeffrey.Sutton@ca6.uscourts.gov
- General intake address – CA06_Pro_Se_Efiling@ca6.uscourts.gov
- Judge Sheryl Lipman - ecf_judge_lipman@tnwd.uscourts.gov
-



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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)

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

RECEIVED

04/22/2025

KELLY L. STEPHENS, Clerk

**RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE
TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL
REFUSAL TO APPEAR OR PARTICIPATE**

To the Judge Lipman, Court and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this Notice in response to the Court's April 22, 2025 Order (ECF No. 162), which compels my appearance at a "Show Cause" hearing scheduled for May 9, 2025, under the threat of contempt sanctions, arrest, and detention.

Let the record reflect: I will not appear at the May 9 hearing, and I will not participate in any further proceedings before this Court. I state unequivocally: If the Court intends to seek my arrest, it should do so immediately. I will not comply with further proceedings that have, from their inception, reflected fundamental procedural violations and constitutional disregard.

This is not civil disobedience for drama's sake. This is a direct response to a process that has been procedurally compromised, jurisdictionally overextended, and constitutionally infirm at nearly every stage.

I. The Court's April 22 Order Violates Jurisdictional Boundaries

The Order attempts to enforce contempt proceedings based on facts and legal issues that are currently on appeal before the U.S. Court of Appeals for the Sixth Circuit (Case No. 24-6082).

These include:

- The validity and enforceability of the Permanent Injunction;
- The scope and lawfulness of monetary sanctions and damages;
- The use of allegedly harassing or protected speech as a basis for civil contempt;
- And the underlying conduct cited in Plaintiff's renewed contempt efforts.

Pursuant to *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), the filing of a notice of appeal divests the district court of jurisdiction over “those aspects of the case involved in the appeal.” The issues now asserted as contempt are the precise subject of the appeal, and any attempt by this Court to further enforce or expand its prior ruling is jurisdictionally improper. Although the Court claims it may proceed absent a formal stay, that is a misreading of both Rule 62(c) and Fed. R. App. P. 8(a). These provisions do not grant district courts *carte blanche* to act on appealed matters—they are conditioned on preserving the status quo and recognizing appellate authority. This Court is not merely “enforcing” its judgment—it is continuing to adjudicate and sanction matters now in appellate hands.

II. The Court Has Denied Me Basic Procedural and Constitutional Protections

This Court's conduct reflects an entrenched hostility toward my status as a pro se litigant, a whistleblower, and an individual with a documented need for reasonable accommodation under federal law. The following failures are part of the record:

- Repeated refusal to acknowledge or rule on ADA accommodation requests, despite clear obligations under Section 504 of the Rehabilitation Act and Judicial Conference policy;
- Denial of discovery fairness, granting full leverage to Plaintiff while denying me third-party subpoenas and agency disclosures critical to my defense;

- Contempt findings based on extrajudicial assumptions and incomplete records, without full hearings or meaningful factual review;
- Overt judicial bias, reflected in the Court’s selective citation of language and filing tone, while ignoring chronic misconduct by Plaintiff and its counsel;
- And most significantly, a pattern of procedural entrapment, wherein this Court repeatedly escalates consequences while denying access to equitable remedies or due process protections.

It is now abundantly clear that this is not an impartial forum. The judicial process here has been used to facilitate reputational harm, retaliatory filings, and an abusive expansion of civil power—most notably, threats of arrest and incarceration for protected communications and whistleblower reporting.

III. I Will Not Legitimize These Proceedings Through Participation

The hearing scheduled for May 9 is not a neutral fact-finding process—it is a coercive mechanism to punish constitutionally protected expression, shield judicial error from review, and elevate form over substance in service of retaliation. It is not a “show cause” hearing in any meaningful legal sense. It is a sentencing proceeding cloaked in procedural formalism.

I will not attend. I will not comply. I will not lend my presence to what has become a fundamentally illegitimate process.

If the Court chooses to interpret this as contempt, and believes that arrest is appropriate, I ask that it proceed immediately. I will accept such action as a matter of conscience and necessity—but I will not act as though this proceeding is fair, lawful, or credible.

IV. Formal Notice to Both Courts

I will be submitting a parallel filing to the Sixth Circuit Court of Appeals (Case No. 24-6082) placing this record into the appellate docket and seeking recognition of the jurisdictional and procedural violations reflected in this Court's order. I will also notify that Court that this hearing was scheduled in open defiance of my pending appeal and was used to threaten criminal enforcement measures over matters directly in its jurisdiction.

I will further file notice in this Court declaring my non-attendance, my objection, and my demand that the record reflect these constitutional violations and procedural defects.

V. Prayer for Record and Review

I respectfully request that this notice be entered into the record in full and transmitted to any reviewing authority that may later examine the procedural history of this case. This filing is made to:

- Preserve the record of my refusal to appear;
- Assert continuing and unresolved constitutional objections;
- Signal to the appellate court and the public that I will no longer cooperate with a system that has so plainly abandoned the rule of law.

Dated this 22nd day of April 2025

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

MikeyDPhilips@gmail.com

6178 Castletown Way

Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing **RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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, sweeping horizontal line extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082

RECEIVED

04/22/2025

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025
AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS**

To the Judges, Staff and Clerk and the Court:

Pro Se Appellant Dennis Michael Philipson respectfully submits this Notice of Filing to place on the record a recently issued order from the U.S. District Court for the Western District of Tennessee in Case No. 2:23-cv-02186 (ECF No. 162), entered on April 22, 2025.

The order does the following:

1. Schedules a Show Cause hearing for May 9, 2025 to consider contempt and potential arrest based on conduct and filings that are presently under appeal before this Court;
2. Denies my motion to issue third-party subpoenas, despite their necessity in defending against pending discovery and contempt motions;
3. Compels broad post-judgment discovery despite my pending appeal and explicit objections regarding overbreadth, privacy, and constitutional concerns;
4. Threatens civil contempt enforcement, incarceration, and further sanctions, in apparent violation of the jurisdictional divestiture rule outlined in *Griggs v. Provident*, and without a stay of proceedings being sought in district court only due to impracticality (see Fed. R. App. P. 8(a)(2)(i)).

This Order directly implicates the issues raised in my appeal (including the validity of the injunction, sanctions, and due process failures), and appears to conflict with the scope of this Court's jurisdiction over those same matters. As such, I submit the attached order for review and request that it be incorporated into the appellate docket to preserve the procedural record.

This filing is also made in support of my prior motions before this Court, including:

- The Emergency Motion to Stay Enforcement and Proceedings (Dkt. 30-1),
- And my pending ADA accommodation and judicial oversight requests.

Given the gravity of the relief threatened by the district court—including arrest—I respectfully ask that this Court take notice and evaluate the district court’s ongoing conduct in light of the appellate proceedings and constitutional concerns at issue.

Dated this 22nd day of April 2025

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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

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I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing
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Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
Tel: (615) 742-6200

John Golwen, BPR No. 014324
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Counsel for Mid-America Apartment Communities, LLC

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- Kelly Stephens (Clerk of Court) – kelly.stephens@ca6.uscourts.gov
- Judge Jeffrey Sutton – Jeffrey.Sutton@ca6.uscourts.gov
- General intake address – CA06_Pro_Se_Efiling@ca6.uscourts.gov
- Judge Sheryl Lipman - ecf_judge_lipman@tnwd.uscourts.gov
-



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

RECEIVED

04/22/2025

KELLY L. STEPHENS, Clerk

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

**RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE
TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL
REFUSAL TO APPEAR OR PARTICIPATE**

To the Judge Lipman, Court and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this Notice in response to the Court's April 22, 2025 Order (ECF No. 162), which compels my appearance at a "Show Cause" hearing scheduled for May 9, 2025, under the threat of contempt sanctions, arrest, and detention.

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- The use of allegedly harassing or protected speech as a basis for civil contempt;
- And the underlying conduct cited in Plaintiff's renewed contempt efforts.

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Dated this 22nd day of April 2025

Respectfully submitted,

/s/ Dennis Michael Philipson

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Dennis Michael Philipson

Defendant - Appellant, Pro Se

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Alexandria, VA 22310

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John Golwen, BPR No. 014324
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100 Peabody Place, Suite 1300
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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 line extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

RECEIVED
04/22/2025
KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025
AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS**

To the Judges, Staff and Clerk and the Court:

Pro Se Appellant Dennis Michael Philipson respectfully submits this Notice of Filing to place on the record a recently issued order from the U.S. District Court for the Western District of Tennessee in Case No. 2:23-cv-02186 (ECF No. 162), entered on April 22, 2025.

The order does the following:

1. Schedules a Show Cause hearing for May 9, 2025 to consider contempt and potential arrest based on conduct and filings that are presently under appeal before this Court;
2. Denies my motion to issue third-party subpoenas, despite their necessity in defending against pending discovery and contempt motions;
3. Compels broad post-judgment discovery despite my pending appeal and explicit objections regarding overbreadth, privacy, and constitutional concerns;
4. Threatens civil contempt enforcement, incarceration, and further sanctions, in apparent violation of the jurisdictional divestiture rule outlined in *Griggs v. Provident*, and without a stay of proceedings being sought in district court only due to impracticality (see Fed. R. App. P. 8(a)(2)(i)).

This Order directly implicates the issues raised in my appeal (including the validity of the injunction, sanctions, and due process failures), and appears to conflict with the scope of this Court's jurisdiction over those same matters. As such, I submit the attached order for review and request that it be incorporated into the appellate docket to preserve the procedural record.

This filing is also made in support of my prior motions before this Court, including:

- The Emergency Motion to Stay Enforcement and Proceedings (Dkt. 30-1),
- And my pending ADA accommodation and judicial oversight requests.

Given the gravity of the relief threatened by the district court—including arrest—I respectfully ask that this Court take notice and evaluate the district court’s ongoing conduct in light of the appellate proceedings and constitutional concerns at issue.

Dated this 22nd day of April 2025

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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing
NOTICE TO THE COURT

was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

Served via email to the following Clerk's Office personnel for docketing and administrative review:

- Roy Ford (Case Manager) – roy.ford@ca6.uscourts.gov
- Mandy Shoemaker (Circuit Mediator) – mandy.shoemaker@ca6.uscourts.gov
- Kelly Stephens (Clerk of Court) – kelly.stephens@ca6.uscourts.gov
- Judge Jeffrey Sutton – Jeffrey.Sutton@ca6.uscourts.gov
- General intake address – CA06_Pro_Se_Efiling@ca6.uscourts.gov
- Judge Sheryl Lipman - ecf_judge_lipman@tnwd.uscourts.gov
-



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

RECEIVED

04/22/2025

KELLY L. STEPHENS, Clerk

**RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE
TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL
REFUSAL TO APPEAR OR PARTICIPATE**

To the Judge Lipman, Court and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this Notice in response to the Court's April 22, 2025 Order (ECF No. 162), which compels my appearance at a "Show Cause" hearing scheduled for May 9, 2025, under the threat of contempt sanctions, arrest, and detention.

Let the record reflect: I will not appear at the May 9 hearing, and I will not participate in any further proceedings before this Court. I state unequivocally: If the Court intends to seek my arrest, it should do so immediately. I will not comply with further proceedings that have, from their inception, reflected fundamental procedural violations and constitutional disregard.

This is not civil disobedience for drama's sake. This is a direct response to a process that has been procedurally compromised, jurisdictionally overextended, and constitutionally infirm at nearly every stage.

I. The Court's April 22 Order Violates Jurisdictional Boundaries

The Order attempts to enforce contempt proceedings based on facts and legal issues that are currently on appeal before the U.S. Court of Appeals for the Sixth Circuit (Case No. 24-6082).

These include:

- The validity and enforceability of the Permanent Injunction;
- The scope and lawfulness of monetary sanctions and damages;
- The use of allegedly harassing or protected speech as a basis for civil contempt;
- And the underlying conduct cited in Plaintiff's renewed contempt efforts.

Pursuant to *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), the filing of a notice of appeal divests the district court of jurisdiction over “those aspects of the case involved in the appeal.” The issues now asserted as contempt are the precise subject of the appeal, and any attempt by this Court to further enforce or expand its prior ruling is jurisdictionally improper. Although the Court claims it may proceed absent a formal stay, that is a misreading of both Rule 62(c) and Fed. R. App. P. 8(a). These provisions do not grant district courts carte blanche to act on appealed matters—they are conditioned on preserving the status quo and recognizing appellate authority. This Court is not merely “enforcing” its judgment—it is continuing to adjudicate and sanction matters now in appellate hands.

II. The Court Has Denied Me Basic Procedural and Constitutional Protections

This Court's conduct reflects an entrenched hostility toward my status as a pro se litigant, a whistleblower, and an individual with a documented need for reasonable accommodation under federal law. The following failures are part of the record:

- Repeated refusal to acknowledge or rule on ADA accommodation requests, despite clear obligations under Section 504 of the Rehabilitation Act and Judicial Conference policy;
- Denial of discovery fairness, granting full leverage to Plaintiff while denying me third-party subpoenas and agency disclosures critical to my defense;

- Contempt findings based on extrajudicial assumptions and incomplete records, without full hearings or meaningful factual review;
- Overt judicial bias, reflected in the Court’s selective citation of language and filing tone, while ignoring chronic misconduct by Plaintiff and its counsel;
- And most significantly, a pattern of procedural entrapment, wherein this Court repeatedly escalates consequences while denying access to equitable remedies or due process protections.

It is now abundantly clear that this is not an impartial forum. The judicial process here has been used to facilitate reputational harm, retaliatory filings, and an abusive expansion of civil power—most notably, threats of arrest and incarceration for protected communications and whistleblower reporting.

III. I Will Not Legitimize These Proceedings Through Participation

The hearing scheduled for May 9 is not a neutral fact-finding process—it is a coercive mechanism to punish constitutionally protected expression, shield judicial error from review, and elevate form over substance in service of retaliation. It is not a “show cause” hearing in any meaningful legal sense. It is a sentencing proceeding cloaked in procedural formalism.

I will not attend. I will not comply. I will not lend my presence to what has become a fundamentally illegitimate process.

If the Court chooses to interpret this as contempt, and believes that arrest is appropriate, I ask that it proceed immediately. I will accept such action as a matter of conscience and necessity—but I will not act as though this proceeding is fair, lawful, or credible.

IV. Formal Notice to Both Courts

I will be submitting a parallel filing to the Sixth Circuit Court of Appeals (Case No. 24-6082) placing this record into the appellate docket and seeking recognition of the jurisdictional and procedural violations reflected in this Court's order. I will also notify that Court that this hearing was scheduled in open defiance of my pending appeal and was used to threaten criminal enforcement measures over matters directly in its jurisdiction.

I will further file notice in this Court declaring my non-attendance, my objection, and my demand that the record reflect these constitutional violations and procedural defects.

V. Prayer for Record and Review

I respectfully request that this notice be entered into the record in full and transmitted to any reviewing authority that may later examine the procedural history of this case. This filing is made to:

- Preserve the record of my refusal to appear;
- Assert continuing and unresolved constitutional objections;
- Signal to the appellate court and the public that I will no longer cooperate with a system that has so plainly abandoned the rule of law.

Dated this 22nd day of April 2025

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

MikeyDPhilips@gmail.com

6178 Castletown Way

Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing **RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
Tel: (615) 742-6200

John Golwen, BPR No. 014324
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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, sweeping horizontal line extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

RECEIVED

04/23/2025

KELLY L. STEPHENS, Clerk

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

**ORDER DENYING AS MOOT PLAINTIFF'S MOTION TO REOPEN CASE,
GRANTING PLAINTIFF'S MOTION TO COMPEL DISCOVERY IN AID OF
EXECUTION, DENYING DEFENDANT'S MOTION TO ISSUE SUBPOENAS, AND
SETTING SHOW CAUSE HEARING AS TO PLAINTIFF'S MOTION FOR
CONTEMPT**

Before the Court are multiple motions. The first is Plaintiff Mid-America Apartment Communities, Inc.'s ("MAA") Motion for Contempt for Violating Permanent Injunction (the "First Contempt Motion"),¹ filed July 8, 2024. (ECF No. 113.) Pro se Defendant Dennis Michael Philipson did not respond to the First Contempt Motion by his deadline to do so, prompting the Court to enter an Order to Show Cause requiring him to show cause, "by November 15, 2024, as to why he has not responded to the Motion and why the Motion should not be granted in its entirety. If Mr. Philipson fails to respond, the facts set forth in the Motion

¹ On May 6, 2024, the Court entered an Order Granting Motion for Sanctions of Judgment and Granting in Part Motion for Permanent Injunction. (ECF No. 97.) The Permanent Injunction imposed upon Mr. Philipson contained thirteen separate components, and restricted Mr. Philipson from, among other things, coming within 500 feet of any MAA office and contacting any MAA employee without the express written consent of that person. (Id. at PageID 1566–1569.)

will be deemed true, and the Court may proceed to issuing a ruling on the Motion without a hearing.” (ECF No. 124.) Mr. Philipson never responded to the Order to Show Cause.

On December 2, 2024, Mr. Philipson filed a notice of appeal to the Sixth Circuit Court of Appeals (ECF No. 126), appealing the Judgment this Court entered in favor of MAA on November 1, 2024 (ECF No. 123).²

On January 17, 2025, MAA filed the Supplemental Declaration of Alex Tartera in Support of MAA’s Motion for Contempt, in which Tartera, MAA’s Vice President for Cyber Security, detailed additional ways in which Mr. Philipson was allegedly continuing to violate the terms of the permanent injunction. (ECF No. 130.)³

On February 19, 2025, MAA filed a Motion to Reopen Case, in which it asked that the case be reopened “to rule on MAA’s Motion for Contempt for Violating Permanent Injunction against Philipson and to enable MAA to obtain responses to its post-judgment discovery.” (ECF No. 135 at PageID 2340.) Mr. Philipson responded the same day, asserting that the motion should be denied because, among other things, it “directly interferes with appellate jurisdiction in violation of Federal Rule of Appellate Procedure 8(a)(1).” (ECF No. 138 at PageID 2357.)⁴

² That judgment awarded MAA \$207,136.32 for damages, \$383,613.61 for attorneys’ fees and costs, and \$33,214.91 in pre-judgment interest, as well as post-judgment interest at a rate of 5.19% per annum from May 6, 2024, until the above damages are paid in full.” (Id. at PageID 2231.)

³ Mr. Philipson did not respond directly to these additional allegations, but has filed additional documents, including a “Notice of Cease and Desist to Opposing Counsel and Record of Harassment of Motions & Notification,” which he previously filed with the Sixth Circuit Court of Appeals. (See ECF No. 132.)

⁴ Philipson had previously filed “Defendant’s Response to Plaintiff’s Motion to Reopen Case” (ECF No. 136), and then filed a notice of withdrawal of that response explaining that he would “submit an Amended Response that accurately reflects his legal objections to Plaintiff’s Motion to Reopen” (ECF No. 137 at PageID 2353). ECF No. 138 is the amended response. On March 14, Mr. Philipson filed a second document purporting to be another response to the

On March 12, 2025, MAA filed a Motion to Compel Discovery in Aid of Execution. (ECF No. 148.) Mr. Philipson responded the same day, asserting the motion should be denied because the “demands are excessive, unjustified, and constitute an unwarranted invasion of privacy, particularly given that an appeal is currently pending. Defendant objects to Plaintiff’s efforts to compel personal financial disclosures at this time, as they are premature, disproportionate, and legally questionable.” (ECF No. 149.)

The next day, Mr. Philipson filed a Motion to Issue Subpoenas, requesting subpoenas be issued to multiple federal agencies and offices, including the Securities and Exchange Commission, Internal Revenue Service, Department of Justice, Attorney General’s Office, Equal Employment Opportunity Commission, U.S. Department of Housing and Urban Development, Federal Bureau of Investigation, U.S. Department of Labor, and the Federal Trade Commission. (ECF No. 150.) Mr. Philipson asserted that the subpoenas were necessary to obtain “documents necessary to comply with the Plaintiff’s recent Motion to Compel and to ensure a complete evidentiary record” and argued that MAA only provided the discovery requests “in physical form and was not uploaded to the court docket.” (*Id.* at PageID 2631.) MAA filed its response on March 18, responding that the subpoenas were unnecessary as the documents they sought, all of which related to Mr. Philipson’s finances, should be in his possession. (ECF No. 155.)⁵

On April 10, 2025, MAA filed its Second Motion for Contempt for Violating Permanent Injunction (the “Second Contempt Motion”). (ECF No. 158.) In the Second Contempt Motion,

Motion to Reopen Case, but which only included email correspondence between him and MAA’s counsel. (ECF No. 152.)

⁵ The same day, Mr. Philipson filed a reply to MAA’s response. (ECF No. 156.) The Local Rules provide that, with certain exceptions that are inapplicable here, “reply memoranda may be filed only upon court order granting a motion for leave to reply.” LR. 7.2(c). Mr. Philipson’s reply is not considered.

MAA asserted that Mr. Philipson had continued with many of the behaviors that formed the basis for its First Contempt Motion and that were outlined in the Supplemental Declaration of Alex Tartera, including “by attempting to email MAA personnel, using MAA personnel’s names and email addresses to apply for jobs and signup for subscriptions, and abusing the Whistleblower Portal with false and defamatory allegations that have already been investigated numerous times and been determined to be without merit, sometimes filing multiple submissions per day.” (Id. at PageID 2766.) MAA insists that, “[b]y attempting to contact, harass, and impersonate MAA Personnel, Philipson blatantly ignores this Court’s directive as set forth in the Injunction, and he shows no sign of stopping, absent drastic measures.” (Id. at PageID 2768.) To that end, MAA seeks its attorneys’ fees and costs, and “any other sanctions against Philipson that the Court deems appropriate under the circumstances for Philipson to purge his contempt.” (Id.) Mr. Philipson responded the same day, noting that the matter was currently under review by the Sixth Circuit and that “[t]his response is submitted solely for the record and to note objection, not to request any action by the District Court.” (ECF No. 160 at PageID 2799.)

APPLICABLE LAW

I. Impact of Filing an Appeal on Enforcing the Judgment & Contempt Proceedings

The filing of a notice of appeal divests the district court of jurisdiction over matters involved in the appeal. Smith & Nephew, Inc. v. Synthes (U.S.A.), No. 02-2873 MA/A, 2007 WL 9706817, at *6 (W.D. Tenn. Nov. 27, 2007) (citing Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982)). At the same time, courts retain jurisdiction to enforce their judgments. See Smith & Nephew, Inc. v. Synthes (U.S.A.), No. 02-2873 MA/A, 2007 WL 9706817, at *6 (W.D. Tenn. Nov. 27, 2007) (“Although the court cannot expand or rewrite its prior rulings, it retains jurisdiction to enforce its prior judgments.”) (citing Am. Town Center v.

Hall 83 Assoc., 912 F.2d 104, 110 (6th Cir. 1990)). “[T]he district court has jurisdiction to act to enforce its judgment so long as the judgment has not been stayed or superseded.” N.L.R.B. v. Cincinnati Bronze, Inc., 829 F.2d 585, 588 (6th Cir. 1987) (quoting Nicol v. Gulf Fleet Supply Vessels, Inc., 743 F.2d 298, 299 n. 2 (5th Cir. 1984)).

Moreover, if a “district court is attempting to supervise its judgment and enforce its order through civil contempt proceedings, pendency of appeal does not deprive it of jurisdiction for these purposes.” Cincinnati Bronze, 829 F.2d at 588 (citation omitted). An interlocutory or final judgment in an action for an injunction is not stayed after being entered, even if an appeal is taken, unless a court orders otherwise. Fed. R. Civ. P. 62(c)(1).

Nevertheless, it “has always been held, . . . that as part of its traditional equipment for the administration of justice, a federal court can stay the enforcement of a judgment pending the outcome of an appeal.” Nken v. Holder, 556 U.S. 418, 421 (2009) (quoting Scripps-Howard Radio, Inc. v. FCC, 316 U.S. 4, 9–10 (1942)). To that end, the enforcement of a judgment pending appeal can be stayed under Federal Rule of Civil Procedure 62 in the district court in which the judgment has been entered, or under Federal Rule of Appellate Procedure 8(a) in the appellate court in which the appeal was filed.

So, under the Federal Rules of Civil Procedure, “[a]t any time after judgment is entered, a party may obtain a stay by providing a bond or other security. The stay takes effect when the court approves the bond or other security and remains in effect for the time specified in the bond or other security.” Fed. R. Civ. P. 62(b). “A party appealing a decision by a federal district court ‘is entitled to a stay of a money judgment as a matter of right if he posts bond.’” Sofco Erectors, Inc. v. Trs. of Ohio Operating Eng’rs Pension Fund, No. 2:19-CV-2238, 2021 WL

858728, at *2 (S.D. Ohio Mar. 8, 2021) (quoting Am. Mfrs. Mut. Ins. Co. v. Am. Broad-Paramount Theaters, Inc., 87 S. Ct. 1, 3 (1966)).

Alternatively, Rule 62(d) provides that, “[w]hile an appeal is pending from an interlocutory order or final judgment that grants, continues, modifies, refuses, dissolves, or refuses to dissolve or modify an injunction, the court may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party’s rights.” Similarly, a court of appeals can “stay proceedings—or suspend, modify, restore, or grant an injunction—while an appeal is pending” or “issue an order to preserve the status quo or the effectiveness of the judgment to be entered.” Fed. R. Civ. P. 62(g)(1). Staying a judgment typically requires a party to first appeal in the district court, but a motion can be made directly to the court of appeals upon a “show[ing] that moving first in the district court would be impracticable.” Fed. R. App. P. 8(a)(2)(i).

II. Discovery in the Aid of Execution

The Federal Rules provide that, “[i]n aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(2). “[C]ourts have confirmed that ‘[t]he scope of postjudgment discovery is very broad.’” United States v. Conces, 507 F.3d 1028, 1040 (6th Cir. 2007) (quoting F.D.I.C. v. LeGrand, 43 F.3d 163, 172 (5th Cir. 1995)). Creditors are permitted to “utilize the full panoply of federal discovery measures provided for under federal and state law to obtain information from parties . . . including information about assets on which execution can issue.” MAKS Gen. Trading & Contracting, Co. v. Sterling Operations, Inc., No. 3:10-CV-443, 2013 WL 3834016, at *1 (E.D. Tenn. July 24, 2013) (quoting Aetna

Group, USA, Inc. v. AIDCO Intern., Inc., No. 1:11-mc023, 2011 WL 2295137, at * 1 (S.D. Ohio June 8, 2011)).

ANALYSIS

I. Stay Pending Appeal

On February 20, 2025, Mr. Philipson filed a motion asking the Sixth Circuit “to enforce its jurisdiction over this matter and issue an order staying all further proceedings in the United States District Court for the Western District of Tennessee pending resolution of this appeal.” (Case 24-6082 (ECF No. 30-1 at 2.) Mr. Philipson never filed a motion in this Court to stay the proceedings.⁶ The “cardinal principle of stay applications” under Federal Rule of Appellate Procedure 8(a) is that parties must ordinarily move first in the district court for a stay pending appeal. Baker v. Adams Cnty./Ohio Valley Sch. Bd., 310 F.3d 927, 930 (6th Cir. 2002) (quoting 16A Charles Alan Wright, Arthur R. Miller, & Edward H. Cooper, Federal Practice and Procedure § 3954 (3d ed. 1999)). Rule 8(a)(2) provides that a motion to stay “may be made to the court of appeals or to one of its judges” but only if the party can either “show that moving first in the district court would be impracticable” or, if the motion was made in the district court but that court “denied the motion or failed to afford the relief requested and state any reasons given by the district court for its action.” Mr. Philipson did not first file his motion to stay in this Court and makes no showing that filing a motion here would have been impracticable. See Fed. Rule App. P. 8(a)(2)(i). The end result is that neither this Court, nor the Sixth Circuit, has stayed the matter.

⁶ In his response to MAA’s Motion to Compel, Mr. Philipson asserts that the Court “[s]tay post-judgment discovery pending appeal,” but has filed no motion to do so. (See ECF No. 149 at PageID 2625.)

Because the matter has not been stayed, this Court has the ability to enforce the judgment as to the relief MAA seeks as to Mr. Philipson's contempt and to the extent it seeks discovery in the aid of execution on its judgment. See Cincinnati Bronze, 829 F.2d at 588 (a district court may not alter or enlarge the scope of its judgment pending appeal, but it retains jurisdiction to enforce the judgment, which includes enforcing its orders through civil contempt proceedings). The form that enforcement will take is outlined below.⁷

II. The Contempt Motions

As explained above, MAA has filed two motions for contempt for violating the permanent injunction. (ECF Nos. 113 & 158.) As to the First Contempt Motion, the Court previously required Mr. Philipson to show cause as to why he had not responded to the motion and why the motion should not be granted in its entirety. (See ECF No. 124.) Mr. Philipson failed to show cause by the November 15, 2024 deadline set by the Court, which was more than two weeks before Mr. Philipson filed his notice of appeal of the final judgment in the Sixth Circuit Court of Appeals. (ECF No. 126.) Due to that failure, and as the Court warned Mr. Philipson in its Order to Show Cause, the facts in MAA's initial Motion for Contempt for Violating Permanent Injunction were deemed true. (See ECF No. 124.)

On the other hand, Mr. Philipson did respond to MAA's Second Contempt Motion, if only to assert that the Sixth Circuit had "jurisdiction over the substantive issues and prior rulings that form the basis of this dispute." (ECF No. 160 at PageID 2799.) For the reasons stated above, however, the Court retains jurisdiction to consider whether Mr. Philipson is in contempt of this Court's Order Granting Motion for Sanctions of Judgment and Granting in Part Motion

⁷ Because the Court retains jurisdiction to enforce its judgment and to address the relief MAA seeks in its contempt motions and motion to compel discovery, it need not reopen the case. MAA's Motion to Reopen Case is therefore **DENIED AS MOOT**.

for Permanent Injunction.

To that end, the Court will conduct a Show Cause hearing on the Second Contempt Motion at 11:00 a.m. Friday, May 9, 2025, in Courtroom 1, to determine whether Mr. Philipson should be held in contempt for violating this Court's orders. If Mr. Philipson fails to attend the hearing, the facts set forth in the Second Contempt Motion will be deemed true, as they previously were for the First Contempt Motion, and the Court will proceed to issuing a ruling on both the First and Second Contempt Motions. And, if Mr. Philipson fails to appear as directed at the Show Cause hearing, the Court shall take all necessary actions to bring Mr. Philipson before the Court, including, but not limited to, directing that he be arrested and held in custody pending a hearing on this matter.

III. Discovery Motions

MAA is entitled to the discovery it seeks in aid of execution on the judgment against Mr. Philipson under the broad discovery permitted under Rule 69, as the interrogatories and requests for production MAA served upon him are the types of discovery contemplated in both the Federal and Tennessee Rules of Civil Procedure. See Fed. R. Civ. P. 33 & 34; Tenn. R. Civ. P. 33.01 & 34.01.

MAA served its post-judgment discovery upon Mr. Philipson on January 27, 2025. (See ECF Nos. 148 at PageID 2606; 148-1 at PageID 2619; 148-2 at PageID 2621.) The Federal Rules require that Mr. Philipson respond within thirty days after being served with the interrogatories and requests for production, and provide any objections by then as well. Fed. R. Civ. P. 33(b)(2), (4); 34(b)(2)(A), (C). "The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure." Fed. R. Civ. P. 33(b)(4). Objections to requests for

production “must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.” Fed. R. Civ. P. 34(b)(2)(C).

Mr. Philipson did not respond to the requests, nor did he object to them, at least not in a way that conformed with the Federal Rules, or, for that matter, with the sort of decorum worthy of a proceeding in federal court. Rather, the same day that MAA served its requests, Mr. Philipson responded, via email: “Here is my answer to all questions as well. Go fuck yourself.” (ECF No. 148-2 at PageID 2621.) The time has passed for Mr. Philipson to offer any substantive objection to the discovery requests, and he has thus waived the right to do so. This failure alone warrants granting MAA’s Motion to Compel.⁸

But even had Mr. Philipson lodged relevant objections, they likely would have been overruled, as the information MAA seeks in pursuit of its judgment are all relevant to its quest to execute on the judgment. The interrogatories seek information regarding Mr. Philipson’s income, financial accounts, real and tangible properties, and trust accounts to which he is the beneficiary, and the requests for production seek documents related to each of those requests. (See ECF No. 148-1 at PageID 2615–18.) These are exactly the sort of documents an entity seeking to execute on a judgment would be interested in seeking.

Mr. Philipson asserts that MAA’s discovery requests are not limited to what is necessary for enforcement, are not proportional, and are “intrusive beyond what is required to locate assets for enforcement.” (ECF No. 149 at PageID 2623.) But those assertions are belied by the

⁸ As noted above, although Mr. Philipson did not file any timely objections to the discovery requests, he did timely respond to the Motion to Compel, characterizing the requests as “excessive, unjustified, and constitute an unwarranted invasion of privacy” and “premature, disproportionate, and legally questionable.” (ECF No. 149 at PageID 2622.)

straightforward sort of information MAA seeks. The cases Mr. Philipson cites in support of his arguments that MAA's requests are overly broad and invade his privacy do not support his argument.

First, he cites Seattle Times v. Rhinehart, 467 U.S. 20, 35 (1984), for the proposition that “discovery rules must balance the need for information with protection against unnecessary intrusion.” (ECF No. 149 at PageID 2624.) However, that case “present[ed] the issue whether parties to civil litigation have a First Amendment right to disseminate, in advance of trial, information gained through the pretrial discovery process.” 467 U.S. at 22. Ultimately, the Court explained that Washington state's discovery rules, which are modeled on the Federal Rules of Civil Procedure, “often allow extensive intrusion into the affairs of both litigants and third parties.” Id. at 30. The case did not touch on “unnecessary intrusion,” as Mr. Philipson suggests, but rather on whether a protective order could limit the dissemination of information gleaned during pretrial discovery without running afoul of the First Amendment. MAA seeks information to aid in the execution of its judgment, and not for permission to disclose information it already has in its possession. The decision in Seattle Times is of no application here.

Mr. Philipson also relies on Oklahoma Press Pub. Co. v. Walling, 327 U.S. 186 (1946), for the proposition that there are “privacy protections in financial disclosures” and to support his argument that “post-judgment discovery must comply with privacy protections under both federal and state law.” (ECF No. 149 at PageID 2624.) But Walling does no such thing. That case addressed whether the Administrator of the Wage and Hour Division of the United States Department of Labor had the right to enforce subpoenas duces tecum he issued during “the course of investigations conducted pursuant to [Section] 11(a) of the Fair Labor Standards Act,”

and which sought information from a corporation and its officers. 327 U.S. at 189. Ultimately, the Supreme Court determined that the execution of the subpoenas did not run afoul of the Fourth or Fifth Amendments. Id. at 209–11. The circumstances in that case are not analogous to this one.

Finally, Mr. Philipson cites Republic of Argentina v. NML Capital, Ltd., 573 U.S. 134 (2014), for the proposition that “post-judgment discovery must be necessary to locate enforceable assets and not serve as a fishing expedition.” (ECF No. 149 at 2623.) That is not what NML Capital stands for, however. In fact, in that decision, which determined that foreign states were subject to broad discovery under the Foreign Sovereign Immunities Act of 1976, the Supreme Court explained that “[p]lainly, then, this is not a case about the breadth of Rule 69(a)(2).” 573 U.S. 140. Mr. Philipson’s reliance on the case is misplaced. Neither NML Capital, nor any other of the cases Mr. Philipson relies upon, support his position for limiting the targeted discovery MAA seeks in its requests.

Accordingly, MAA’s Motion to Compel responses to these requests is **GRANTED**. Mr. Philipson shall provide responses to all of the interrogatories and requests for production by **May 5, 2025**.

At the same time, although post-judgment discovery is “very broad,” it is not broad enough to encompass the sort of third-party discovery that Mr. Philipson seeks in his Motion to Issue Subpoenas. As a threshold matter, Mr. Philipson has not cited any authority that would allow him to engage in post-judgment discovery. Rule 69, which serves as an “aid of the judgment or execution,” applies to the “judgment creditor or a successor in interest.” Fed. R. Civ. P. 69(a)(2). Judgment creditors can seek discovery from third parties, but, in those instances, “the party seeking such discovery must make ‘a threshold showing of the necessity

and relevance’ of the information sought.” F.T.C. v. Trudeau, No. 1:12-MC-022, 2012 WL 6100472, at *4 (S.D. Ohio Dec. 7, 2012) (quoting Michael W. Dickinson, Inc. v. Martin Collins Surfaces & Footings, LLC, No. 5:11-CV-281, 2012 WL 5868903, at *2 (E.D. Ky. Nov. 20, 2012)).

Here, Mr. Philipson is neither the judgment creditor nor its successor in interest. His status as the debtor does not bring his requests under the ambit of Rule 69. Yet, even if Rule 69 or some other mechanism allowed Mr. Philipson to seek discovery, his Motion would be denied because the information that he seeks through his subpoenas is not relevant to determining what assets he has to satisfy the outstanding judgment against him. For these reasons, Mr. Philipson’s Motion is **DENIED**.

CONCLUSION

Consistent with the foregoing, MAA’s Motion to Reopen Case (ECF No. 135) is **DENIED AS MOOT**. MAA’s Motion to Compel Discovery in Aid of Execution (ECF No. 148) is **GRANTED**, and Mr. Philipson shall provide responses to MAA’s discovery requests by **May 5, 2025**. Mr. Philipson’s Motion to Issue Subpoenas (ECF No. 150) is **DENIED**.

A Show Cause hearing on MAA’s Second Contempt Motion (ECF No. 158) will be held at 11 a.m. Friday, May 9, 2025, in Courtroom 1, at the Odell Horton Federal Building, 167 N. Main Street, Memphis, Tennessee 38103.

IT IS SO ORDERED, this 22nd day of April, 2025.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

**Activity in Case 2:23-cv-02186-SHL-cgc Mid-America Apartment Communities, Inc. v. DOE-1 et al
"Order on Motion for Miscellaneous Relief"**

1 message

<cmechhelpdesk@tnwd.uscourts.gov>
To: courtmail@tnwd.uscourts.gov

Tue, Apr 22, 2025 at 5:43 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court
Western District of Tennessee

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Notice of Electronic Filing

The following transaction was entered on 4/22/2025 at 4:42 PM CDT and filed on 4/22/2025

Case Name: Mid-America Apartment Communities, Inc. v. DOE-1 et al

Case Number: [2:23-cv-02186-SHL-cgc](#)

Filer:

WARNING: CASE CLOSED on 11/01/2024

Document Number: [162](#)

Docket Text:

ORDER DENYING AS MOOT [135] PLAINTIFF'S MOTION TO REOPEN CASE, GRANTING [148] PLAINTIFF'S MOTION TO COMPEL DISCOVERY IN AID OF EXECUTION, DENYING [150] DEFENDANT'S MOTION TO ISSUE SUBPOENAS, AND SETTING SHOW CAUSE HEARING AS TO PLAINTIFF'S MOTION FOR CONTEMPT. Signed by Chief Judge Sheryl H. Lipman on 4/22/2025. (shl)

2:23-cv-02186-SHL-cgc Notice has been electronically mailed to:

John S. Golwen jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com

Jordan Elizabeth Thomas jordan.thomas@bassberry.com, kris.williams@bassberry.com

Paige Waldrop Mills pmills@bassberry.com, tmcclanahan@bassberry.com

Dennis Philipson mikeydphilips@gmail.com

2:23-cv-02186-SHL-cgc Notice will not be electronically mailed to:

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

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1059513201 [Date=4/22/2025] [FileNumber=5050970-0]
] [4d7637ef7065022a58d3657926393a93efed51eb22db18c1f9126a1332ce82a6dff
06470bf45a69f96b510e20edd180f0ee138a8692ae8a92c0e248dbc7fc059]]

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

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KELLY L. STEPHENS, Clerk

**RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE
TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL
REFUSAL TO APPEAR OR PARTICIPATE**

To the Judge Lipman, Court and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this Notice in response to the Court's April 22, 2025 Order (ECF No. 162), which compels my appearance at a "Show Cause" hearing scheduled for May 9, 2025, under the threat of contempt sanctions, arrest, and detention.

Let the record reflect: I will not appear at the May 9 hearing, and I will not participate in any further proceedings before this Court. I state unequivocally: If the Court intends to seek my arrest, it should do so immediately. I will not comply with further proceedings that have, from their inception, reflected fundamental procedural violations and constitutional disregard.

This is not civil disobedience for drama's sake. This is a direct response to a process that has been procedurally compromised, jurisdictionally overextended, and constitutionally infirm at nearly every stage.

I. The Court's April 22 Order Violates Jurisdictional Boundaries

The Order attempts to enforce contempt proceedings based on facts and legal issues that are currently on appeal before the U.S. Court of Appeals for the Sixth Circuit (Case No. 24-6082).

These include:

- The validity and enforceability of the Permanent Injunction;
- The scope and lawfulness of monetary sanctions and damages;
- The use of allegedly harassing or protected speech as a basis for civil contempt;
- And the underlying conduct cited in Plaintiff's renewed contempt efforts.

Pursuant to *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), the filing of a notice of appeal divests the district court of jurisdiction over “those aspects of the case involved in the appeal.” The issues now asserted as contempt are the precise subject of the appeal, and any attempt by this Court to further enforce or expand its prior ruling is jurisdictionally improper. Although the Court claims it may proceed absent a formal stay, that is a misreading of both Rule 62(c) and Fed. R. App. P. 8(a). These provisions do not grant district courts carte blanche to act on appealed matters—they are conditioned on preserving the status quo and recognizing appellate authority. This Court is not merely “enforcing” its judgment—it is continuing to adjudicate and sanction matters now in appellate hands.

II. The Court Has Denied Me Basic Procedural and Constitutional Protections

This Court's conduct reflects an entrenched hostility toward my status as a pro se litigant, a whistleblower, and an individual with a documented need for reasonable accommodation under federal law. The following failures are part of the record:

- Repeated refusal to acknowledge or rule on ADA accommodation requests, despite clear obligations under Section 504 of the Rehabilitation Act and Judicial Conference policy;
- Denial of discovery fairness, granting full leverage to Plaintiff while denying me third-party subpoenas and agency disclosures critical to my defense;

- Contempt findings based on extrajudicial assumptions and incomplete records, without full hearings or meaningful factual review;
- Overt judicial bias, reflected in the Court’s selective citation of language and filing tone, while ignoring chronic misconduct by Plaintiff and its counsel;
- And most significantly, a pattern of procedural entrapment, wherein this Court repeatedly escalates consequences while denying access to equitable remedies or due process protections.

It is now abundantly clear that this is not an impartial forum. The judicial process here has been used to facilitate reputational harm, retaliatory filings, and an abusive expansion of civil power—most notably, threats of arrest and incarceration for protected communications and whistleblower reporting.

III. I Will Not Legitimize These Proceedings Through Participation

The hearing scheduled for May 9 is not a neutral fact-finding process—it is a coercive mechanism to punish constitutionally protected expression, shield judicial error from review, and elevate form over substance in service of retaliation. It is not a “show cause” hearing in any meaningful legal sense. It is a sentencing proceeding cloaked in procedural formalism.

I will not attend. I will not comply. I will not lend my presence to what has become a fundamentally illegitimate process.

If the Court chooses to interpret this as contempt, and believes that arrest is appropriate, I ask that it proceed immediately. I will accept such action as a matter of conscience and necessity—but I will not act as though this proceeding is fair, lawful, or credible.

IV. Formal Notice to Both Courts

I will be submitting a parallel filing to the Sixth Circuit Court of Appeals (Case No. 24-6082) placing this record into the appellate docket and seeking recognition of the jurisdictional and procedural violations reflected in this Court's order. I will also notify that Court that this hearing was scheduled in open defiance of my pending appeal and was used to threaten criminal enforcement measures over matters directly in its jurisdiction.

I will further file notice in this Court declaring my non-attendance, my objection, and my demand that the record reflect these constitutional violations and procedural defects.

V. Prayer for Record and Review

I respectfully request that this notice be entered into the record in full and transmitted to any reviewing authority that may later examine the procedural history of this case. This filing is made to:

- Preserve the record of my refusal to appear;
- Assert continuing and unresolved constitutional objections;
- Signal to the appellate court and the public that I will no longer cooperate with a system that has so plainly abandoned the rule of law.

Dated this 22nd day of April 2025

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

MikeyDPhilips@gmail.com

6178 Castletown Way

Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing **RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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 'D. Philipson', with a long, sweeping horizontal line extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

RECEIVED

04/23/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025
AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS**

To the Judges, Staff and Clerk and the Court:

Pro Se Appellant Dennis Michael Philipson respectfully submits this Notice of Filing to place on the record a recently issued order from the U.S. District Court for the Western District of Tennessee in Case No. 2:23-cv-02186 (ECF No. 162), entered on April 22, 2025.

The order does the following:

1. Schedules a Show Cause hearing for May 9, 2025 to consider contempt and potential arrest based on conduct and filings that are presently under appeal before this Court;
2. Denies my motion to issue third-party subpoenas, despite their necessity in defending against pending discovery and contempt motions;
3. Compels broad post-judgment discovery despite my pending appeal and explicit objections regarding overbreadth, privacy, and constitutional concerns;
4. Threatens civil contempt enforcement, incarceration, and further sanctions, in apparent violation of the jurisdictional divestiture rule outlined in *Griggs v. Provident*, and without a stay of proceedings being sought in district court only due to impracticality (see Fed. R. App. P. 8(a)(2)(i)).

This Order directly implicates the issues raised in my appeal (including the validity of the injunction, sanctions, and due process failures), and appears to conflict with the scope of this Court's jurisdiction over those same matters. As such, I submit the attached order for review and request that it be incorporated into the appellate docket to preserve the procedural record.

This filing is also made in support of my prior motions before this Court, including:

- The Emergency Motion to Stay Enforcement and Proceedings (Dkt. 30-1),
- And my pending ADA accommodation and judicial oversight requests.

Given the gravity of the relief threatened by the district court—including arrest—I respectfully ask that this Court take notice and evaluate the district court’s ongoing conduct in light of the appellate proceedings and constitutional concerns at issue.

Dated this 22nd day of April 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

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Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

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I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing
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Counsel for Plaintiff:

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Tel: (901) 543-5903
Fax: (615) 742-6293
Counsel for Mid-America Apartment Communities, LLC

Served via email to the following Clerk's Office personnel for docketing and administrative review:

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- Mandy Shoemaker (Circuit Mediator) – mandy.shoemaker@ca6.uscourts.gov
- Kelly Stephens (Clerk of Court) – kelly.stephens@ca6.uscourts.gov
- Judge Jeffrey Sutton – Jeffrey.Sutton@ca6.uscourts.gov
- General intake address – CA06_Pro_Se_Efiling@ca6.uscourts.gov
- Judge Sheryl Lipman - ecf_judge_lipman@tnwd.uscourts.gov
-



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

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KELLY L. STEPHENS, Clerk

**RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE
TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL
REFUSAL TO APPEAR OR PARTICIPATE**

To the Judge Lipman, Court and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this Notice in response to the Court's April 22, 2025 Order (ECF No. 162), which compels my appearance at a "Show Cause" hearing scheduled for May 9, 2025, under the threat of contempt sanctions, arrest, and detention.

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- Assert continuing and unresolved constitutional objections;
- Signal to the appellate court and the public that I will no longer cooperate with a system that has so plainly abandoned the rule of law.

Dated this 22nd day of April 2025

Respectfully submitted,

/s/ Dennis Michael Philipson

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Dennis Michael Philipson

Defendant - Appellant, Pro Se

MikeyDPhilips@gmail.com

6178 Castletown Way

Alexandria, VA 22310

CERTIFICATE OF SERVICE

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Counsel for Plaintiff:

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Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
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Memphis, Tennessee 38103
Tel: (901) 543-5903
Fax: (615) 742-6293
Counsel for Mid-America Apartment Communities, LLC

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/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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04/23/2025

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22, 2025
AND IMPLICATIONS FOR APPELLATE JURISDICTION AND PENDING MOTIONS**

To the Judges, Staff and Clerk and the Court:

Pro Se Appellant Dennis Michael Philipson respectfully submits this Notice of Filing to place on the record a recently issued order from the U.S. District Court for the Western District of Tennessee in Case No. 2:23-cv-02186 (ECF No. 162), entered on April 22, 2025.

The order does the following:

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3. Compels broad post-judgment discovery despite my pending appeal and explicit objections regarding overbreadth, privacy, and constitutional concerns;
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This filing is also made in support of my prior motions before this Court, including:

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Given the gravity of the relief threatened by the district court—including arrest—I respectfully ask that this Court take notice and evaluate the district court’s ongoing conduct in light of the appellate proceedings and constitutional concerns at issue.

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Respectfully submitted,
/s/ Dennis Michael Philipson

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Dennis Michael Philipson
Defendant - Appellant, Pro Se
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Alexandria, VA 22310

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Counsel for Mid-America Apartment Communities, LLC

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- Kelly Stephens (Clerk of Court) – kelly.stephens@ca6.uscourts.gov
- Judge Jeffrey Sutton – Jeffrey.Sutton@ca6.uscourts.gov
- General intake address – CA06_Pro_Se_Efiling@ca6.uscourts.gov
- Judge Sheryl Lipman - ecf_judge_lipman@tnwd.uscourts.gov
-



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

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KELLY L. STEPHENS, Clerk

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TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL
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To the Judge Lipman, Court and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this Notice in response to the Court's April 22, 2025 Order (ECF No. 162), which compels my appearance at a "Show Cause" hearing scheduled for May 9, 2025, under the threat of contempt sanctions, arrest, and detention.

Let the record reflect: I will not appear at the May 9 hearing, and I will not participate in any further proceedings before this Court. I state unequivocally: If the Court intends to seek my arrest, it should do so immediately. I will not comply with further proceedings that have, from their inception, reflected fundamental procedural violations and constitutional disregard.

This is not civil disobedience for drama's sake. This is a direct response to a process that has been procedurally compromised, jurisdictionally overextended, and constitutionally infirm at nearly every stage.

I. The Court's April 22 Order Violates Jurisdictional Boundaries

The Order attempts to enforce contempt proceedings based on facts and legal issues that are currently on appeal before the U.S. Court of Appeals for the Sixth Circuit (Case No. 24-6082).

These include:

- The validity and enforceability of the Permanent Injunction;
- The scope and lawfulness of monetary sanctions and damages;
- The use of allegedly harassing or protected speech as a basis for civil contempt;
- And the underlying conduct cited in Plaintiff's renewed contempt efforts.

Pursuant to *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), the filing of a notice of appeal divests the district court of jurisdiction over “those aspects of the case involved in the appeal.” The issues now asserted as contempt are the precise subject of the appeal, and any attempt by this Court to further enforce or expand its prior ruling is jurisdictionally improper. Although the Court claims it may proceed absent a formal stay, that is a misreading of both Rule 62(c) and Fed. R. App. P. 8(a). These provisions do not grant district courts *carte blanche* to act on appealed matters—they are conditioned on preserving the status quo and recognizing appellate authority. This Court is not merely “enforcing” its judgment—it is continuing to adjudicate and sanction matters now in appellate hands.

II. The Court Has Denied Me Basic Procedural and Constitutional Protections

This Court's conduct reflects an entrenched hostility toward my status as a pro se litigant, a whistleblower, and an individual with a documented need for reasonable accommodation under federal law. The following failures are part of the record:

- Repeated refusal to acknowledge or rule on ADA accommodation requests, despite clear obligations under Section 504 of the Rehabilitation Act and Judicial Conference policy;
- Denial of discovery fairness, granting full leverage to Plaintiff while denying me third-party subpoenas and agency disclosures critical to my defense;

- Contempt findings based on extrajudicial assumptions and incomplete records, without full hearings or meaningful factual review;
- Overt judicial bias, reflected in the Court's selective citation of language and filing tone, while ignoring chronic misconduct by Plaintiff and its counsel;
- And most significantly, a pattern of procedural entrapment, wherein this Court repeatedly escalates consequences while denying access to equitable remedies or due process protections.

It is now abundantly clear that this is not an impartial forum. The judicial process here has been used to facilitate reputational harm, retaliatory filings, and an abusive expansion of civil power—most notably, threats of arrest and incarceration for protected communications and whistleblower reporting.

III. I Will Not Legitimize These Proceedings Through Participation

The hearing scheduled for May 9 is not a neutral fact-finding process—it is a coercive mechanism to punish constitutionally protected expression, shield judicial error from review, and elevate form over substance in service of retaliation. It is not a “show cause” hearing in any meaningful legal sense. It is a sentencing proceeding cloaked in procedural formalism.

I will not attend. I will not comply. I will not lend my presence to what has become a fundamentally illegitimate process.

If the Court chooses to interpret this as contempt, and believes that arrest is appropriate, I ask that it proceed immediately. I will accept such action as a matter of conscience and necessity—but I will not act as though this proceeding is fair, lawful, or credible.

IV. Formal Notice to Both Courts

I will be submitting a parallel filing to the Sixth Circuit Court of Appeals (Case No. 24-6082) placing this record into the appellate docket and seeking recognition of the jurisdictional and procedural violations reflected in this Court's order. I will also notify that Court that this hearing was scheduled in open defiance of my pending appeal and was used to threaten criminal enforcement measures over matters directly in its jurisdiction.

I will further file notice in this Court declaring my non-attendance, my objection, and my demand that the record reflect these constitutional violations and procedural defects.

V. Prayer for Record and Review

I respectfully request that this notice be entered into the record in full and transmitted to any reviewing authority that may later examine the procedural history of this case. This filing is made to:

- Preserve the record of my refusal to appear;
- Assert continuing and unresolved constitutional objections;
- Signal to the appellate court and the public that I will no longer cooperate with a system that has so plainly abandoned the rule of law.

Dated this 22nd day of April 2025

Respectfully submitted,

/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'D. Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson

Defendant - Appellant, Pro Se

MikeyDPhilips@gmail.com

6178 Castletown Way

Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing **RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT JURISDICTION, ASSERTION OF RIGHTS, AND FORMAL REFUSAL TO APPEAR OR PARTICIPATE** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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, sweeping horizontal line extending to the right.

/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

RECEIVED

04/23/2025

KELLY L. STEPHENS, Clerk

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

**OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING
(ECF NO. 163):**

**FORMAL PROTEST TO AN UNLAWFUL AND RETALIATORY COURT ACTION,
JUDICIAL ABUSE OF PROCESS, AND CONTINUING VIOLATIONS OF
CONSTITUTIONAL AND STATUTORY RIGHTS**

To the Court, Clerk, and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this formal objection to the Notice of Setting entered April 23, 2025 (ECF No. 163), which schedules a Show Cause Hearing for May 9, 2025. This filing serves as a direct protest and notice to all involved that the hearing being scheduled is not only illegitimate, but part of a broader pattern of misconduct and institutional failure across multiple judicial levels and actors.

Let it be clear: **I will not attend, and I refuse to participate in this misconduct and these ongoing violations of due process and constitutional rights.** Court employees and judges at both the Western District of Tennessee and the Sixth Circuit Court of Appeals continue to enable this unethical behavior.

This is not a procedural filing — it is a declaration that this litigation has been weaponized against me as a whistleblower, and that the courts are being used to legitimize retaliation, violate federal law, and erode the protections owed to a pro se litigant with disabilities and constitutional

claims.

I. This Hearing Is a Retaliatory and Illegitimate Exercise of Judicial Power

The Setting Letter validates a hearing that I have already rejected on legal and jurisdictional grounds. My Response to the April 22, 2025 Order (ECF No. 162) details why this Court has no authority to compel my appearance in contempt proceedings arising from issues that are squarely before the Sixth Circuit Court of Appeals in Case No. 24-6082.

That filing outlined, and I reiterate here:

- The May 9 hearing is directly tied to matters under appellate review;
- The Court's actions contradict controlling precedent such as *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982);
- The use of contempt power in this context constitutes a knowing abuse of judicial discretion and an attack on protected whistleblower speech;
- And the failure to acknowledge or act upon my ADA accommodation requests further renders this proceeding unlawful under federal disability law.

This Setting Letter is not neutral. It affirms a course of action that undermines the very structure of fair legal process. I will not attend this hearing. I will not allow this Court to use my presence to lend legitimacy to its violations.

II. Jurisdiction Has Been Invoked at the Sixth Circuit — This Court Is Acting Without Authority

I have repeatedly made it known that the contempt allegations being advanced by the Plaintiff, and adopted by this Court, are predicated on issues that are pending appellate review. By

proceeding, this Court disregards the binding jurisdiction of the Sixth Circuit, and instead continues to exercise judicial authority where it has none.

This is not a matter of discretion — it is a jurisdictional boundary that this Court has crossed in bad faith. The contempt hearing is an unlawful continuation of a campaign to punish protected activity, including whistleblowing and ADA advocacy, by manufacturing the appearance of defiance.

III-A. The Sixth Circuit and Internal Oversight Structures Have Abandoned Their Duties

The misconduct and overreach I face have not occurred in a vacuum. They have been sustained and enabled by an appellate court and judicial infrastructure that has refused to fulfill its role.

- Chief Judge Jeffrey Sutton and the judges of the Sixth Circuit have failed to rule on emergency motions that address glaring due process and jurisdictional violations;
- The Circuit Executive's Office has dismissed judicial misconduct complaints without investigation, ignoring supporting evidence and permitting structural bias to persist unchecked;
- Judge Diane K. Vescovo Claxton failed to even initiate inquiry into a well-documented conflict of interest involving Judge Lipman's law clerk and Plaintiff's law firm;

These actions — or calculated inactions — amount to more than bureaucratic indifference. They represent a conscious decision to shield the judiciary from scrutiny and deny accountability, all while a whistleblower is dragged through unconstitutional litigation.

III-B. MAA Executives and Compliance Officers Are Complicit in the Retaliation

Executives and legal officers at Mid-America Apartment Communities (MAA) have not only

been made aware of these violations — they have stood by and allowed them to continue. I have reported the misconduct and systemic abuse through the company's SEC-mandated internal whistleblower hotline, including notices sent directly to:

- Brad Hill
- Eric Bolton
- Amber Fairbanks
- Clay Holder
- Albert Campbell
- Tim Argo
- Melanie Carpenter
- Tom Grimes
- Joe Fracchia
- Robert DelPriore
- Jay Blackman
-

And specifically, Leslie Wolfgang, the designated Ethics and Compliance Officer for MAA, who is tasked with overseeing whistleblower integrity under federal regulation. All of these individuals are now on notice.

Their refusal to intervene, respond, or escalate concerns underscores MAA's complicity in using the judicial process to silence, punish, and deter protected disclosures.

IV. Demand for Record Entry and Immediate Review

I demand that this filing be made part of the record in full, and that it be transmitted to any

judicial or administrative authority responsible for overseeing the conduct of this Court and its coordination with the Sixth Circuit.

Let this serve as a permanent record of my objection. I will not participate in the May 9 hearing.

I will not condone this continued abuse of judicial power. If the Court seeks to arrest me, let it do so. But it will do so under the shadow of unresolved constitutional violations and with full awareness that it acts without legitimate authority.

Dated this 23rd day of April 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dennis Michael Philipson', with a long, sweeping horizontal stroke extending to the right.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2025, a true and correct copy of the foregoing OBJECTION AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163) was served through the following channels:

I. Via PACER/ECF System – Attorneys for Plaintiff
Counsel for Mid-America Apartment Communities, Inc.:

- Paige Waldrop Mills, Esq.
- Bass, Berry & Sims PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
- John Golwen, Esq.
- Jordan Thomas, Esq.
- Kris Williams: kris.williams@bassberry.com
Bass, Berry & Sims PLC
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (901) 543-5903
Fax: (615) 742-6293

II. Via PACER and Email Notification – Judicial and Administrative Officers
Notice served on the following personnel associated with the U.S. District Court for the Western District of Tennessee and the U.S. Court of Appeals for the Sixth Circuit:

- Chief Judge Sheryl H. Lipman (via ecf_judge_lipman@tnwd.uscourts.gov)
- Clerk Wendy R. Oliver (via CM/ECF)
- Melanie Mullen, Case Manager (melanie_mullen@tnwd.uscourts.gov)
- Roy Ford, Case Manager – Sixth Circuit (roy.ford@ca6.uscourts.gov)
- Mandy Shoemaker, Circuit Mediator (mandy.shoemaker@ca6.uscourts.gov)

- Kelly Stephens, Clerk of Court – Sixth Circuit (kelly.stephens@ca6.uscourts.gov)
- Chief Judge Jeffrey S. Sutton – Sixth Circuit (jeffrey.sutton@ca6.uscourts.gov)
- CA06_Pro_Se_Efiling@ca6.uscourts.gov (Clerks office, for docketing and pro se submissions)

Western District of Tennessee – Clerk's Office (Memphis):

tnwd_cmecf@tnwd.uscourts.gov (*general email for filings and inquiries*)

III. Notice via SEC-Mandated Internal Reporting System – Mid-America Apartment Communities

The contents of this filing were also transmitted through Mid-America Apartment Communities' internal whistleblower hotline and compliance reporting portal, in accordance with obligations imposed under the Sarbanes-Oxley Act and related SEC regulations, for delivery to the following corporate officers and executives:

- Amber Fairbanks
- Tim Argo
- Eric Bolton
- Clay Holder
- Melanie Carpenter
- Tom Grimes
- Joe Fracchia
- Scott Andreas
- Robert DelPriore
- Albert Campbell
- Jay Blackman
- Leslie Wolfgang – Ethics and Compliance Officer, responsible for SEC whistleblower reporting system

This service is intended to further place all listed individuals on notice regarding the judicial misconduct, retaliation, and systemic rights violations detailed in this and prior filings.



/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se



MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163):

MikeyDPhilips <mikeydphilips@gmail.com>
 To: MikeyDPhilips <mikeydphilips@gmail.com>

Wed, Apr 23, 2025 at 11:41 AM

RECEIVED

04/23/2025

KELLY L. STEPHENS, Clerk

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>

Date: Wed, Apr 23, 2025 at 11:31 AM

Subject: OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163):

To: <ca06_pro_se_e filing@ca6.uscourts.gov>, <roy.ford@ca6.uscourts.gov>, <mandy.shoemaker@ca6.uscourts.gov>, <mandy_shoemaker@ca6.uscourts.gov>, <kelly.stephens@ca6.uscourts.gov>, <kelly_stephens@ca6.uscourts.gov>, <jeffrey.sutton@ca6.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>, <honorable_jeffrey_sutton@ca6.uscourts.gov>, <ecf_judge_lipman@tnwd.uscourts.gov>, <jgolwen@bassberry.com>, <pmills@bassberry.com>, <Michael.kapellas@tnwd.uscourts.gov>, <mkapellas@bassberry.com>, <Michael.kapellas@bassberry.com>, <jordan.thomas@bassberry.com>, <roy_ford@ca6.uscourts.gov>, <intake@tnwd.uscourts.gov>, <s.thomas.anderson@tnwd.uscourts.gov>, <s_thomas_anderson@tnwd.uscourts.gov>, <thomas.parker@tnwd.uscourts.gov>, <thomas_parker@tnwd.uscourts.gov>, <mark.norris@tnwd.uscourts.gov>, <mark_norris@tnwd.uscourts.gov>, <jon.mccalla@tnwd.uscourts.gov>, <jon_mccalla@tnwd.uscourts.gov>, <samuel.mays@tnwd.uscourts.gov>, <samuel_mays@tnwd.uscourts.gov>, <daniel.breen@tnwd.uscourts.gov>, <daniel_breen@tnwd.uscourts.gov>, <john.fowlkes@tnwd.uscourts.gov>, <john_fowlkes@tnwd.uscourts.gov>, <karen.moore@ca6.uscourts.gov>, <karen_moore@ca6.uscourts.gov>, <eric.clay@ca6.uscourts.gov>, <eric_clay@ca6.uscourts.gov>, <richard.griffin@ca6.uscourts.gov>, <richard_griffin@ca6.uscourts.gov>, <raymond.kethledge@ca6.uscourts.gov>, <raymond_kethledge@ca6.uscourts.gov>, <jane.stranch@ca6.uscourts.gov>, <jane_stranch@ca6.uscourts.gov>, <amul.thapar@ca6.uscourts.gov>, <amul_thapar@ca6.uscourts.gov>, <john.bush@ca6.uscourts.gov>, <john_bush@ca6.uscourts.gov>, <joan.larsen@ca6.uscourts.gov>, <joan_larsen@ca6.uscourts.gov>, <john.nalbandian@ca6.uscourts.gov>, <john_nalbandian@ca6.uscourts.gov>, <chad.readler@ca6.uscourts.gov>, <chad_readler@ca6.uscourts.gov>, <eric.murphy@ca6.uscourts.gov>, <eric_murphy@ca6.uscourts.gov>, <stephanie.davis@ca6.uscourts.gov>, <stephanie_davis@ca6.uscourts.gov>, <andre.mathis@ca6.uscourts.gov>, <andre_mathis@ca6.uscourts.gov>, <rachel.bloomekatz@ca6.uscourts.gov>, <rachel_bloomekatz@ca6.uscourts.gov>, <kevin.ritz@ca6.uscourts.gov>, <kevin_ritz@ca6.uscourts.gov>, <michael_kapellas@tnwd.uscourts.gov>, <kris.williams@bassberry.com>, <melanie_mullen@tnwd.uscourts.gov>, <tmccanahan@bassberry.com>

Dear Clerk of Court,

Please accept for immediate docketing in Case No. 2:23-cv-02186-SHL the attached document titled:

Objection and Response to Notice of Setting (ECF No. 163): Formal Protest to an Unlawful and Retaliatory Court Action, Judicial Abuse of Process, and Continuing Violations of Constitutional and Statutory Rights

This filing formally challenges the legitimacy of the May 9, 2025 hearing scheduled by this Court and outlines, in detail, a pattern of procedural abuse, jurisdictional overreach, and retaliation against me as a pro se whistleblower and disabled litigant.

The attached objection outlines the following critical issues:

- This hearing is being pursued in open violation of binding appellate jurisdiction (Sixth Circuit Case No. 24-6082) and without legal authority;
- The process reflects a broader and systemic retaliation campaign by Plaintiff, enabled by the judiciary;
- Multiple requests for relief, ADA accommodations, and emergency review have been ignored or denied without explanation;
- **All judges of both the Sixth Circuit and the Western District of Tennessee have been copied on related correspondence and filings via email, yet seem to have taken any action, review, or oversight, despite**

clear jurisdictional conflicts, ongoing retaliation, and constitutional violations.

This submission is also being transmitted to relevant chambers, judicial oversight contacts, and parties to the appeal. A copy will additionally be forwarded via the internal SEC-mandated whistleblower hotline system to senior executives and compliance officers at Mid-America Apartment Communities, Inc.

Please confirm receipt and ensure this filing is entered promptly on the docket and circulated to all appropriate judicial personnel.

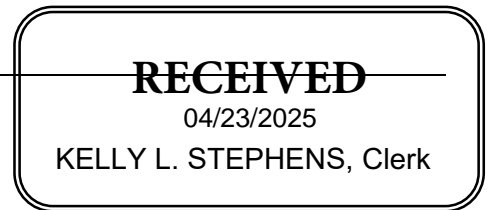
Sincerely,
Dennis Michael Philipson
Defendant-Appellant, Pro Se
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184



04-23-25 - OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163).pdf

174K

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
24-6082**



MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff-Appellee,

v.

DENNIS MICHAEL PHILIPSON,

Defendant-Appellant

NOTICE TO THE COURT

**NOTICE OF FILING AND SUPPLEMENTAL RECORD REFERENCE REGARDING
LOWER COURT MISCONDUCT, NON-COMPLIANCE, AND WHISTLEBLOWER
DISCLOSURE**

To the Honorable Sixth Circuit Court of Appeals:

Appellant Dennis Michael Philipson respectfully submits this Notice for inclusion in the appellate record in Case No. 24-6082. This Notice serves to inform the Court of documents submitted to the United States District Court for the Western District of Tennessee, and to reiterate disclosures made to Mid-America Apartment Communities (MAA) via federally mandated whistleblower reporting systems.

I. Notice of Lower Court Filing – Objection to ECF No. 163

On April 23, 2025, I filed the following in the Western District of Tennessee under Case No. 2:23-cv-02186-SHL:

Objection, Refusal to Participate, and Response to Notice of Setting (ECF No. 163)

This filing formally protests the setting of a contempt hearing scheduled for May 9, 2025, and challenges the lower court's continuing assertion of jurisdiction over matters now pending before this Court.

This objection, supported by a detailed record, states that the lower court is proceeding in violation of *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), ADA compliance obligations, and constitutional rights. I have unequivocally stated I will not participate in further proceedings that arise from this unlawful exercise of power.

The filing has been served on all district court officers, chambers staff, and opposing counsel, and has been submitted to the Clerk for docketing.

II. Record of Email Submission to the District Court and Court Officers

A complete record of emails transmitted to:

- The Clerk's Office (intake@tnwd.uscourts.gov),
- Chambers of Judge Lipman,
- Case manager Melanie Mullen,
- And all listed Western District of Tennessee judges,

was included in the April 23, 2025 submission and has been uploaded to the record. These communications confirm service and transmission of the objection.

III. Notice to Mid-America Apartment Communities – Whistleblower System Disclosure

In parallel, I also transmitted the filing to Mid-America Apartment Communities via its SEC-mandated internal whistleblower and ethics hotline portal. Named recipients include corporate officers and compliance executives such as:

- Eric Bolton, Tim Argo, Amber Fairbanks, Clay Holder, Robert DelPriore,
- Albert Campbell, Melanie Carpenter, Tom Grimes, Joe Fracchia,
- Jay Blackman, Scott Andreas,

- And Leslie Wolfgang, MAA's designated Ethics and Compliance Officer.

This notice further places MAA on record as knowingly complicit in the misuse of judicial process, retaliation against protected disclosures, and ongoing efforts to intimidate a whistleblower.

IV. Request for Appellate Record Entry and Consideration

Appellant respectfully requests that this Notice be included in the Sixth Circuit record and treated as an evidentiary and procedural supplement to prior motions and appeals now pending before this Court. The conduct described in the attached and referenced filings bears directly on the integrity of the process under review.

Dated: April 23, 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read 'Dm' followed by a long, sweeping horizontal stroke.

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2025, a true and correct copy of the foregoing **NOTICE TO THE COURT** was served via PACER on the following counsel of record:

Counsel for Plaintiff:

Bass, Berry & Sims PLC
Paige Waldrop Mills, BPR No. 016218
Bass, Berry & Sims PLC
21 Platform Way South,
Suite 3500
Nashville, Tennessee 37203
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

Served via email to the following Clerk's Office personnel for docketing and administrative review:

- Roy Ford (Case Manager) – roy.ford@ca6.uscourts.gov
- Mandy Shoemaker (Circuit Mediator) – mandy.shoemaker@ca6.uscourts.gov
- Kelly Stephens (Clerk of Court) – kelly.stephens@ca6.uscourts.gov
- Judge Jeffrey Sutton – Jeffrey.Sutton@ca6.uscourts.gov
- General intake address – CA06_Pro_Se_Efiling@ca6.uscourts.gov
- Judge Sheryl Lipman - ecf_judge_lipman@tnwd.uscourts.gov
-



/s/ Dennis Michael Philipson
Dennis Michael Philipson
Defendant, Pro Se

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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

RECEIVED

04/23/2025

KELLY L. STEPHENS, Clerk

**OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING
(ECF NO. 163):**

**FORMAL PROTEST TO AN UNLAWFUL AND RETALIATORY COURT ACTION,
JUDICIAL ABUSE OF PROCESS, AND CONTINUING VIOLATIONS OF
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To the Court, Clerk, and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this formal objection to the Notice of Setting entered April 23, 2025 (ECF No. 163), which schedules a Show Cause Hearing for May 9, 2025. This filing serves as a direct protest and notice to all involved that the hearing being scheduled is not only illegitimate, but part of a broader pattern of misconduct and institutional failure across multiple judicial levels and actors.

Let it be clear: **I will not attend, and I refuse to participate in this misconduct and these ongoing violations of due process and constitutional rights.** Court employees and judges at both the Western District of Tennessee and the Sixth Circuit Court of Appeals continue to enable this unethical behavior.

This is not a procedural filing — it is a declaration that this litigation has been weaponized against me as a whistleblower, and that the courts are being used to legitimize retaliation, violate federal law, and erode the protections owed to a pro se litigant with disabilities and constitutional

claims.

I. This Hearing Is a Retaliatory and Illegitimate Exercise of Judicial Power

The Setting Letter validates a hearing that I have already rejected on legal and jurisdictional grounds. My Response to the April 22, 2025 Order (ECF No. 162) details why this Court has no authority to compel my appearance in contempt proceedings arising from issues that are squarely before the Sixth Circuit Court of Appeals in Case No. 24-6082.

That filing outlined, and I reiterate here:

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- And the failure to acknowledge or act upon my ADA accommodation requests further renders this proceeding unlawful under federal disability law.

This Setting Letter is not neutral. It affirms a course of action that undermines the very structure of fair legal process. I will not attend this hearing. I will not allow this Court to use my presence to lend legitimacy to its violations.

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The misconduct and overreach I face have not occurred in a vacuum. They have been sustained and enabled by an appellate court and judicial infrastructure that has refused to fulfill its role.

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- Judge Diane K. Vescovo Claxton failed to even initiate inquiry into a well-documented conflict of interest involving Judge Lipman's law clerk and Plaintiff's law firm;

These actions — or calculated inactions — amount to more than bureaucratic indifference. They represent a conscious decision to shield the judiciary from scrutiny and deny accountability, all while a whistleblower is dragged through unconstitutional litigation.

III-B. MAA Executives and Compliance Officers Are Complicit in the Retaliation

Executives and legal officers at Mid-America Apartment Communities (MAA) have not only

been made aware of these violations — they have stood by and allowed them to continue. I have reported the misconduct and systemic abuse through the company's SEC-mandated internal whistleblower hotline, including notices sent directly to:

- Brad Hill
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- Clay Holder
- Albert Campbell
- Tim Argo
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- Tom Grimes
- Joe Fracchia
- Robert DelPriore
- Jay Blackman
-

And specifically, Leslie Wolfgang, the designated Ethics and Compliance Officer for MAA, who is tasked with overseeing whistleblower integrity under federal regulation. All of these individuals are now on notice.

Their refusal to intervene, respond, or escalate concerns underscores MAA's complicity in using the judicial process to silence, punish, and deter protected disclosures.

IV. Demand for Record Entry and Immediate Review

I demand that this filing be made part of the record in full, and that it be transmitted to any

judicial or administrative authority responsible for overseeing the conduct of this Court and its coordination with the Sixth Circuit.

Let this serve as a permanent record of my objection. I will not participate in the May 9 hearing.

I will not condone this continued abuse of judicial power. If the Court seeks to arrest me, let it do so. But it will do so under the shadow of unresolved constitutional violations and with full awareness that it acts without legitimate authority.

Dated this 23rd day of April 2025

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
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2025, a true and correct copy of the foregoing OBJECTION AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163) was served through the following channels:

I. Via PACER/ECF System – Attorneys for Plaintiff
Counsel for Mid-America Apartment Communities, Inc.:

- Paige Waldrop Mills, Esq.
- Bass, Berry & Sims PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200
- John Golwen, Esq.
- Jordan Thomas, Esq.
- Kris Williams: kris.williams@bassberry.com
Bass, Berry & Sims PLC
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (901) 543-5903
Fax: (615) 742-6293

II. Via PACER and Email Notification – Judicial and Administrative Officers
Notice served on the following personnel associated with the U.S. District Court for the Western District of Tennessee and the U.S. Court of Appeals for the Sixth Circuit:

- Chief Judge Sheryl H. Lipman (via ecf_judge_lipman@tnwd.uscourts.gov)
- Clerk Wendy R. Oliver (via CM/ECF)
- Melanie Mullen, Case Manager (melanie_mullen@tnwd.uscourts.gov)
- Roy Ford, Case Manager – Sixth Circuit (roy.ford@ca6.uscourts.gov)
- Mandy Shoemaker, Circuit Mediator (mandy.shoemaker@ca6.uscourts.gov)

- Kelly Stephens, Clerk of Court – Sixth Circuit (kelly.stephens@ca6.uscourts.gov)
- Chief Judge Jeffrey S. Sutton – Sixth Circuit (jeffrey.sutton@ca6.uscourts.gov)
- CA06_Pro_Se_Efiling@ca6.uscourts.gov (Clerks office, for docketing and pro se submissions)

Western District of Tennessee – Clerk's Office (Memphis):

tnwd_cmecf@tnwd.uscourts.gov (*general email for filings and inquiries*)

III. Notice via SEC-Mandated Internal Reporting System – Mid-America Apartment Communities

The contents of this filing were also transmitted through Mid-America Apartment Communities' internal whistleblower hotline and compliance reporting portal, in accordance with obligations imposed under the Sarbanes-Oxley Act and related SEC regulations, for delivery to the following corporate officers and executives:

- Amber Fairbanks
- Tim Argo
- Eric Bolton
- Clay Holder
- Melanie Carpenter
- Tom Grimes
- Joe Fracchia
- Scott Andreas
- Robert DelPriore
- Albert Campbell
- Jay Blackman
- Leslie Wolfgang – Ethics and Compliance Officer, responsible for SEC whistleblower reporting system

This service is intended to further place all listed individuals on notice regarding the judicial misconduct, retaliation, and systemic rights violations detailed in this and prior filings.



/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

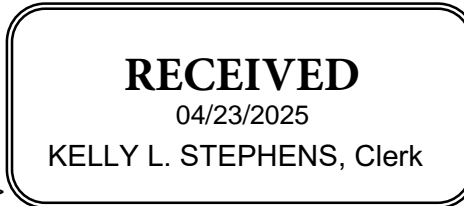


MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Notice of Non-Compliance and Objection to May 9 Hearing – Case No. 2:23-cv-02186

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Wed, Apr 23, 2025 at 11:45 AM



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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 11:38 AM
Subject: Fwd: Notice of Non-Compliance and Objection to May 9 Hearing – Case No. 2:23-cv-02186
To: <melanie_mullen@tnwd.uscourts.gov>, <intake@tnwd.uscourts.gov>, <ecf_judge_lipman@tnwd.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>

Please ensure this is uploaded to the docket in a timely fashion. I will send a copy express mail, if it is not.
Thank you,

Dennis Philipson

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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Tue, Apr 22, 2025 at 7:03 PM
Subject: Notice of Non-Compliance and Objection to May 9 Hearing – Case No. 2:23-cv-02186

Dear Clerk of Court,

Please find attached a formal filing titled:

RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162): CHALLENGE TO CONTEMPT AUTHORITY, ASSERTION OF RIGHTS, AND REFUSAL TO APPEAR

This filing serves as my official notice that I will not be attending the May 9, 2025 hearing ordered by the Court. It outlines substantial constitutional objections, challenges to the Court's continued assertion of contempt jurisdiction over matters currently pending on appeal, and documents a breakdown in due process throughout these proceedings.

For the record, I am also copying all relevant officials from the U.S. Court of Appeals for the Sixth Circuit, including Chief Judge Sutton and senior court staff, as this matter now directly implicates appellate jurisdiction and constitutional oversight responsibilities.

I respectfully request that this notice be filed to the docket in Case No. 2:23-cv-02186, and circulated to the appropriate judicial officers and personnel.

Thank you,
Dennis Michael Philipson
Pro Se Defendant
mikeydphilips@gmail.com
(949) 432-6184



04-22-25 - 223-cv-02186 - RESPONSE TO ORDER COMPELLING APPEARANCE (ECF NO. 162).pdf
120K

WHISTLEBLOWER

**RECEIVED**

04/23/2025

KELLY L. STEPHENS, Clerk

Message Summary

Subject

Additional Whistleblower Complaints

Type

Secure Web Form

Documents

None

Created

Tue, 01/28/2025 - 17:01

Original Message

This letter serves as an official communication to update Mid-America Apartment Communities, Inc. (MAA) regarding ongoing legal filings and forthcoming legal action in response to the persistent misconduct, retaliation, and procedural violations that I have experienced.

Overview of Court Filings

I have submitted multiple motions and supporting documents to the United States Court of Appeals for the Sixth Circuit under Case No. 24-6082. These filings provide clear evidence of judicial misconduct, procedural irregularities, and the improper involvement of MAA and its representatives in actions that have severely prejudiced my legal rights. A summary of the submissions includes:

1. Motion to Supplement the Appellate Record and Brief

This motion details judicial bias, procedural irregularities, and retaliatory actions affecting the integrity of my case. It includes Exhibits A, B, C, and D, which provide critical evidence of misconduct, improper judgment enforcement, and harassment by MAA's legal representatives.

2. Exhibit A – Judicial Misconduct Complaint

Evidence of systemic judicial bias and procedural errors, including the unauthorized addition of emails to the court docket and the involvement of judicial personnel with conflicts of interest.

3. Exhibit B – Retaliatory Actions and Harassment

Documented harassment tactics, including repeated improper service attempts at my residence by individuals purporting to act on behalf of MAA.

4. Exhibit C – Judicial Overreach

Orders issued by judicial personnel that unfairly restricted my procedural rights without due process and appear directly retaliatory.

5. Exhibit D – Post-Judgment Harassment

Correspondence from MAA's legal representatives containing invasive and inappropriate demands under the guise of judgment enforcement, despite the case being under appeal.

Retaliation Lawsuit Announcement

I am preparing to file a series of retaliation lawsuits in multiple jurisdictions to address MAA's ongoing efforts to obstruct justice, intimidate, and retaliate against me for exercising my rights as a whistleblower. These lawsuits will cite the following:

Ongoing Harassment

MAA representatives have engaged in persistent attempts to intimidate me, including improper service of documents and unwarranted demands for personal and financial information.

Violation of Whistleblower Protections

MAA's retaliatory actions are in direct violation of federal and state whistleblower protection laws, including 42 U.S.C. § 1983 and Tenn. Code Ann. § 50-1-304.

Defamation and Baseless Allegations

MAA representatives have made baseless accusations against me, causing harm to my reputation and escalating stress during an already prejudicial legal process.

Continued Whistleblower Updates

I have also started a new communication thread within MAA's whistleblower system to ensure that all instances of misconduct are properly documented. If MAA's system continues to fail in addressing these concerns, I will persist in initiating new threads to ensure that the ongoing issues are thoroughly recorded and escalated as needed.

Comments

Displaying 1 - 25 of 180

Created

Wed, 04/23/2025 - 11:33

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff,
v.

DENNIS MICHAEL PHILIPSON,
Defendant.

)

)

)

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) No. 2:23-cv-2186-SHL-cgc

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)

OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163):

FORMAL PROTEST TO AN UNLAWFUL AND RETALIATORY COURT ACTION, JUDICIAL ABUSE OF PROCESS, AND CONTINUING VIOLATIONS OF CONSTITUTIONAL AND STATUTORY RIGHTS

To the Court, Clerk, and All Parties:

Pro Se Defendant Dennis Michael Philipson submits this formal objection to the Notice of Setting entered April 23, 2025 (ECF No. 163), which schedules a Show Cause Hearing for May 9, 2025. This filing serves as a direct protest and notice to all involved that the hearing being scheduled is not only illegitimate, but part of a broader pattern of misconduct and institutional failure across multiple judicial levels and actors.

Let it be clear: I will not attend, and I refuse to participate in this misconduct and these ongoing violations of due process and constitutional rights. Court employees and judges at both the Western District of Tennessee and the Sixth Circuit Court of Appeals continue to enable this unethical behavior.

This is not a procedural filing — it is a declaration that this litigation has been weaponized against me as a whistleblower, and that the courts are being used to legitimize retaliation, violate federal law, and erode the protections owed to a pro se litigant with disabilities and constitutional claims.

I. This Hearing Is a Retaliatory and Illegitimate Exercise of Judicial Power

The Setting Letter validates a hearing that I have already rejected on legal and jurisdictional grounds. My Response to the April 22, 2025 Order (ECF No. 162) details why this Court has no authority to compel my appearance in contempt proceedings arising from issues that are squarely before the Sixth Circuit Court of Appeals in Case No. 24-6082.

That filing outlined, and I reiterate here:

- The May 9 hearing is directly tied to matters under appellate review;
- The Court's actions contradict controlling precedent such as *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982);
- The use of contempt power in this context constitutes a knowing abuse of judicial discretion and an attack on protected whistleblower speech;
- And the failure to acknowledge or act upon my ADA accommodation requests further renders this proceeding unlawful under federal disability law.

This Setting Letter is not neutral. It affirms a course of action that undermines the very structure of fair legal process. I will not attend this hearing. I will not allow this Court to use my presence to lend legitimacy to its violations.

II. Jurisdiction Has Been Invoked at the Sixth Circuit — This Court Is Acting Without Authority

I have repeatedly made it known that the contempt allegations being advanced by the Plaintiff, and adopted by this Court, are predicated on issues that are pending appellate review. By proceeding, this Court disregards the binding jurisdiction of the Sixth Circuit,

and instead continues to exercise judicial authority where it has none.

This is not a matter of discretion — it is a jurisdictional boundary that this Court has crossed in bad faith. The contempt hearing is an unlawful continuation of a campaign to punish protected activity, including whistleblowing and ADA advocacy, by manufacturing the appearance of defiance.

III-A. The Sixth Circuit and Internal Oversight Structures Have Abandoned Their Duties

The misconduct and overreach I face have not occurred in a vacuum. They have been sustained and enabled by an appellate court and judicial infrastructure that has refused to fulfill its role.

- Chief Judge Jeffrey Sutton and the judges of the Sixth Circuit have failed to rule on emergency motions that address glaring due process and jurisdictional violations;
 - The Circuit Executive's Office has dismissed judicial misconduct complaints without investigation, ignoring supporting evidence and permitting structural bias to persist unchecked;
 - Judge Diane K. Vescovo Claxton failed to even initiate inquiry into a well-documented conflict of interest involving Judge Lipman's law clerk and Plaintiff's law firm;
- These actions — or calculated inactions — amount to more than bureaucratic indifference. They represent a conscious decision to shield the judiciary from scrutiny and deny accountability, all while a whistleblower is dragged through unconstitutional litigation.

III-B. MAA Executives and Compliance Officers Are Complicit in the Retaliation

Executives and legal officers at Mid-America Apartment Communities (MAA) have not only been made aware of these violations — they have stood by and allowed them to continue. I have reported the misconduct and systemic abuse through the company's SEC-mandated internal whistleblower hotline, including notices sent directly to:

- Brad Hill
- Eric Bolton
- Amber Fairbanks
- Clay Holder
- Albert Campbell
- Tim Argo
- Melanie Carpenter
- Tom Grimes
- Joe Fracchia
- Robert DelPriore
- Jay Blackman
-

And specifically, Leslie Wolfgang, the designated Ethics and Compliance Officer for MAA, who is tasked with overseeing whistleblower integrity under federal regulation. All of these individuals are now on notice.

Their refusal to intervene, respond, or escalate concerns underscores MAA's complicity in using the judicial process to silence, punish, and deter protected disclosures.

IV. Demand for Record Entry and Immediate Review

I demand that this filing be made part of the record in full, and that it be transmitted to any judicial or administrative authority responsible for overseeing the conduct of this Court and its coordination with the Sixth Circuit.

Let this serve as a permanent record of my objection. I will not participate in the May 9 hearing. I will not condone this continued abuse of judicial power. If the Court seeks to arrest me, let it do so. But it will do so under the shadow of unresolved constitutional violations and with full awareness that it acts without legitimate authority.

Dated this 23rd day of April 2025

Respectfully submitted,

/s/ Dennis Michael Philipson

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2025, a true and correct copy of the foregoing OBJECTION AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163) was served through the following channels:

I. Via PACER/ECF System – Attorneys for Plaintiff

Counsel for Mid-America Apartment Communities, Inc.:

- Paige Waldrop Mills, Esq.

-

Bass, Berry & Sims PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Tel: (615) 742-6200

- John Golwen, Esq.

- Jordan Thomas, Esq.

- Kris Williams: kris.williams@bassberry.com

Bass, Berry & Sims PLC
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (901) 543-5903
Fax: (615) 742-6293

II. Via PACER and Email Notification – Judicial and Administrative Officers

Notice served on the following personnel associated with the U.S. District Court for the Western District of Tennessee and the U.S. Court of Appeals for the Sixth Circuit:

- Chief Judge Sheryl H. Lipman (via ecf_judge_lipman@tnwd.uscourts.gov)
- Clerk Wendy R. Oliver (via CM/ECF)
- Melanie Mullen, Case Manager (melanie_mullen@tnwd.uscourts.gov)
- Roy Ford, Case Manager – Sixth Circuit (roy.ford@ca6.uscourts.gov)
- Mandy Shoemaker, Circuit Mediator (mandy.shoemaker@ca6.uscourts.gov)
- Kelly Stephens, Clerk of Court – Sixth Circuit (kelly.stephens@ca6.uscourts.gov)
- Chief Judge Jeffrey S. Sutton – Sixth Circuit (jeffrey.sutton@ca6.uscourts.gov)
- CA06_Pro_Se_Efiling@ca6.uscourts.gov (Clerks office, for docketing and pro se

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
501 POTTER STEWART U.S. COURTHOUSE
100 EAST FIFTH STREET
CINCINNATI, OHIO 45202-3988

Kelly L. Stephens
Clerk

513-564-7000

April 23, 2025

Mr. Dennis Philipson
6178 Castletown Way
Alexandria, VA 23310

RE: Case No. 24-6082, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*

Dear Mr. Philipson:

This letter is to advise you that receipt of emails from mikeydphilips@gmail.com has been blocked for all Sixth Circuit Court of Appeals recipients, including the pro se email inbox, due to abuse. You may direct any necessary filings in paper to the physical address listed above. Your case number should be clearly listed on all case filings.

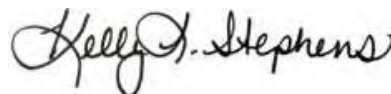
This court communicates its decisions through orders, and any motions for relief must be filed with the clerk and made in writing. *See* Fed. R. App. P. 25(a)(1), 27(a)(1). Judges are prohibited from communicating directly with litigants about pending matters.

As your case manager previously advised you in writing on April 14, 2025, this matter remains pending before the court. Once the court issues a final decision, you will be notified by mail.

Questions about a judicial conduct complaint may be directed in writing by mail only to the Office of Circuit Executive, 503 Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, OH 45202-3988.

Your cooperation in this regard is appreciated. *Any* future attempts to communicate with the Court (which includes this office) via email—whether from the above-listed email address or another email address—will be referred to the United States Marshals Service for investigation.

Sincerely,

A handwritten signature in black ink that reads "Kelly L. Stephens". The signature is written in a cursive, flowing style.

Kelly L. Stephens, Clerk

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

MID-AMERICA APARTMENT
COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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RECEIVED

04/30/2025

KELLY L. STEPHENS, Clerk

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

ORDER AFFIRMING MAY 9, 2025 SHOW CAUSE HEARING WILL PROCEED

On April 22, 2025, the Court entered an Order Denying as Moot Plaintiff’s Motion to Reopen Case, Granting Plaintiff’s Motion to Compel Discovery in Aid of Execution, Denying Defendant’s Motion to Issue Subpoenas, and Setting Show Cause Hearing as to Plaintiff’s Motion for Contempt. (ECF No. 162.) In the Order, the Court explained that it will conduct a Show Cause hearing on Plaintiff Mid-America Apartment Communities, Inc.’s (“MAA”) Second Motion for Contempt for Violating Permanent Injunction (the “Second Motion for Contempt”) at 11:00 a.m. Friday, May 9, 2025, in Courtroom 1, to determine whether Pro Se Defendant Dennis Michael Philipson should be held in contempt for violating this Court’s orders. The Court further explained that, if Mr. Philipson fails to appear as directed at the Show Cause hearing, it will take all necessary actions to bring him before the Court, including directing that he be arrested and held in custody pending a hearing on this matter. (Id. at PageID 2811.)

Since then, Mr. Philipson has sent emails to the Court and submitted documents for filing that explain that he “will not attend” the Show Cause hearing as he “refuse[s] to participate in this misconduct and these ongoing violations of due process and constitutional rights.” (ECF

No. 164 at PageID 2817; see also id. at PageID 2818 (“I will not attend this hearing. I will not allow this Court to use my presence to lend legitimacy to its violations”); id. at PageID 2821 (“I will not participate in the May 9 hearing.”).) As part of the basis for his refusal to participate in the Show Cause hearing, Mr. Philipson asserts that he “ha[s] repeatedly made it known that the contempt allegations being advanced by the Plaintiff, and adopted by this Court, are predicated on issues that are pending appellate review” and that the Court “continues to exercise judicial authority where it has none.” (Id. at PageID 2818–19.)

The Court’s April 22, 2025 Order acknowledged that Mr. Philipson has appealed this Court’s judgment to the Sixth Circuit. Nevertheless, as the Court explained, neither this Court nor the Sixth Circuit has stayed the matter. (ECF No. 162 at PageID 2809.) As the Court further explained, absent a stay, this Court retains jurisdiction to enforce its judgments, including related to injunctions, and to the extent that it is attempting to supervise its judgment and enforce its order through civil contempt proceedings. (Id. at PageID 2806–08.) Contrary to Mr. Philipson’s assertions, this is not the sort of impermissible attempt by the Court to “expand or rewrite its prior rulings.” (Id. at PageID 2806–07 (quoting Smith & Nephew, Inc. v. Synthes (U.S.A.), No. 02-2873 MA/A, 2007 WL 9706817, at *6 (W.D. Tenn. Nov. 27, 2007) (citing Am. Town Center v. Hall 83 Assoc., 912 F.2d 104, 110 (6th Cir. 1990))).)

The Show Cause hearing will give Mr. Philipson precisely the sort of due process that he has repeatedly suggested he has been denied. MAA’s Second Motion for Contempt contains serious allegations that Mr. Philipson has engaged in manifold behaviors that violate the terms of the permanent injunction in this case, and has continued to do so after MAA filed its initial motion for contempt on July 8, 2024. The Show Cause hearing will provide Mr. Philipson the opportunity to put on proof to demonstrate that he has not violated the permanent injunction. At

the same time, and as the Court explained in its Order, Mr. Philipson's failure to attend the hearing will result in the Court deeming true all of the allegations from the Second Motion for Contempt. And, as much as the Court would like to avoid taking any additional actions to bring Mr. Philipson before it, if he once again ignores the Court's Order, it will be left with few options.

IT IS SO ORDERED, this 30th day of April, 2025.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

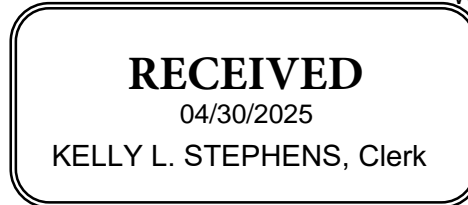


MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Submission of Response to April 30, 2025 Order – Request for Docket Filing and Forwarding to Sixth Circuit

MikeyDPhilips <mikeydphilips@gmail.com>
To: MikeyDPhilips <mikeydphilips@gmail.com>

Wed, Apr 30, 2025 at 9:51 AM



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

From: **MikeyDPhilips** <mikeydphilips@gmail.com>

Date: Wed, Apr 30, 2025 at 9:36 AM

Subject: Fwd: Submission of Response to April 30, 2025 Order – Request for Docket Filing and Forwarding to Sixth Circuit

To: <intaketnwd@tnwd.uscourts.gov>

Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Dear Clerk's Office & Judges,

Please file this response and email to my docket with an appropriate, specific title—please do not label it as a generic notice.

Please find attached my **RESPONSE TO APRIL 30, 2025 ORDER AND DEMAND FOR IMMEDIATE ACTION BY HIGHER COURTS AND THIS DISTRICT COURT**, along with the associated Certificate of Service.

I respectfully request that this filing be docketed in Case No. 2:23-cv-02186-SHL-cgc, and if possible, forwarded to the Clerk's Office of the United States Court of Appeals for the Sixth Circuit, as it relates directly to the pending appellate matter in Case No. 24-6082 and addresses the unlawful sealing of appellate Docket Nos. 86–88.

As I have previously explained, I have been barred from submitting filings to the Sixth Circuit by email due to a vague allegation of “abuse,” and I am now forced to send everything by overnight mail to preserve my appellate rights. I am copying Melanie Mullen on this email for awareness and to reiterate, for the record, that I will not be appearing at the May 9 hearing. That position is explained in full in the attached filing.

Thank you for your time and attention to this matter.

Sincerely,
Dennis Michael Philipson
Pro Se Defendant
mikeydphilips@gmail.com
6178 Castletown Way
Alexandria, VA 22310

2 attachments

04-30-25 - RESPONSE TO APRIL 30, 2025 ORDER AND DEMAND FOR IMMEDIATE ACTION 223-cv-2186-SHL-cgc.pdf
267K



04-30-25 - Email to Judges with Response to Order.pdf
131K