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

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:

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

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 FILING IN DISTRICT COURT TO DOCUMENT PROCEEDINGS IN BOTH JURISDICTIONS

Defendant Dennis Michael Philipson, proceeding pro se, submits this filing to the U.S. District Court for the Western District of Tennessee to ensure that all relevant documents are properly recorded in both this Court and the U.S. Court of Appeals for the Sixth Circuit, where related appellate proceedings are pending.

Given the complex nature of this case, the procedural irregularities that have occurred, and the significance of ensuring that all filings are properly preserved, Defendant submits the attached **Motion for Reconsideration and Clarification of Order No. 31** to be documented within the district court's records. By ensuring that this case is properly recorded at both the state and federal levels, Defendant seeks to maintain the integrity of the record and provide transparency in the legal process.

Additionally, maintaining proper documentation in both state and federal jurisdictions is critical, particularly in cases where inconsistencies, procedural misconduct, or misrepresentations may arise. Given the importance of accurate record-keeping, Defendant is ensuring that all filings are preserved in full view of both courts.

This submission is not a request for action but rather a formal notice to document proceedings across both jurisdictions to uphold procedural fairness and transparency.

Dated this 21st day of February 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

Dennis Michael Philipson
Defendant - Appellant, Pro Se
MikeyDPhilips@gmail.com
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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
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Counsel for Mid-America Apartment Communities, LLC

/s/ Dennis Michael Philipson
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Defendant, Pro Se

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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.

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

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:

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

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 TO DOCKET APPELLATE FILINGS IN DISTRICT COURT RECORD

Defendant-Appellant **Dennis Michael Philipson**, proceeding pro se, respectfully submits this **Notice to the Court** requesting that the **Appellant's Brief, Supplemental Appellant Brief, and related appellate filings** from **Case No. 24-6082 (Sixth Circuit)** be docketed in this District Court case for completeness and jurisdictional consistency.

Reason for Submission:

1. **Ensuring a Complete Record** – The filings in the appellate docket contain critical procedural and substantive matters directly relevant to this Court's prior rulings.
2. **Jurisdictional Consistency** – The inclusion of these documents in both the appellate and district court dockets ensures that all filings are preserved across both jurisdictions.
3. **Judicial Notice & Reference** – The record should accurately reflect the proceedings before both courts to prevent any omissions in subsequent legal proceedings.

Documents for Docketing:

- **Exhibit A – Appellant's Brief, Case No. 24-6082, Filed Jan. 16, 2025**
- **Exhibit B – Supplemental Appellant Brief, Case No. 24-6082, Filed Jan. 28, 2025**
- **Exhibit C – Appellee's Brief, Case No. 24-6082, Filed Feb. 24, 2025**

These documents have been submitted in the Sixth Circuit and are included here as Exhibits for filing in the District Court record.

Defendant-Appellant requests that the Clerk of Court upload these documents to the docket for **Case No. 2:23-cv-2186-SHL-cgc** to ensure all relevant appellate materials are preserved and accessible within the district court's jurisdiction.

Dated this 25st day of February 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

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

Exhibit A

Selected docket entries for case 24−6082

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Filed	Document Description	Page	Docket Text
01/16/2025	12 appellant brief	2	APPELLANT BRIEF filed by Mr. Dennis Philipson Certificate of Service:01/16/2025. Argument Request: PRO SE (RGF)

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 APPELANT BRIEF January 16, 2025

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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

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 Breif 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

Exhibit B

Selected docket entries for case 24−6082

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Filed	Document Description	Page	Docket Text
01/28/2025	23		Appellant MOTION filed by Mr. Dennis Philipson to supplement appellate record and brief with additional evidence. Certificate of service: 01/28/2025. (RGF)
	23 appellant motion filed	2	
	23 Exhibit C Kapellas final court order	19	
	23 Exhibit A Circuit executive order	38	
	23 Amended Exhibit B Binder to Circuit Executive	43	
	23 Exhibit D Correspondence from Attys	86	

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

MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff-Appellee, v. DENNIS MICHAEL PHILIPSON, Defendant-Appellant	)	MOTION TO SUPPLEMENT APPELLATE RECORD AND BRIEF WITH ADDITIONAL EVIDENCE January 28, 2025

APPELLANT'S MOTION TO SUPPLEMENT APPELLATE RECORD AND BRIEF

Pursuant to Federal Rule of Appellate Procedure 27, 28(j), Sixth Circuit Rule 27, and the inherent authority of this Court to ensure a complete and fair appellate record, Pro Se Appellant Dennis Michael Philipson respectfully submits this Motion to Supplement the Record and Brief with three exhibits that are indispensable to the adjudication of this appeal.

These exhibits contain critical evidence establishing procedural irregularities, conflicts of interest, ongoing retaliation, and judicial misconduct that have directly influenced the proceedings in this case. These materials were either unavailable at the time of briefing or improperly disregarded by judicial and administrative bodies.

I. INTRODUCTION AND SUMMARY OF RELIEF REQUESTED

The appellate record, in its current state, is incomplete and insufficient to allow this Court to fully and fairly adjudicate the issues presented. Supplementation is necessary to:

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

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

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

Exhibit C

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

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 Ndabishuriye 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

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

Deal' 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,

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

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

MARC THERIAULT
CIRCUIT EXECUTIVE

TELEPHONE: 513-564-7200
FAX: 513-564-7210

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,

Marc Theriault
Circuit Executive

MT/ab

Exhibit B

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

Table of Contents

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.

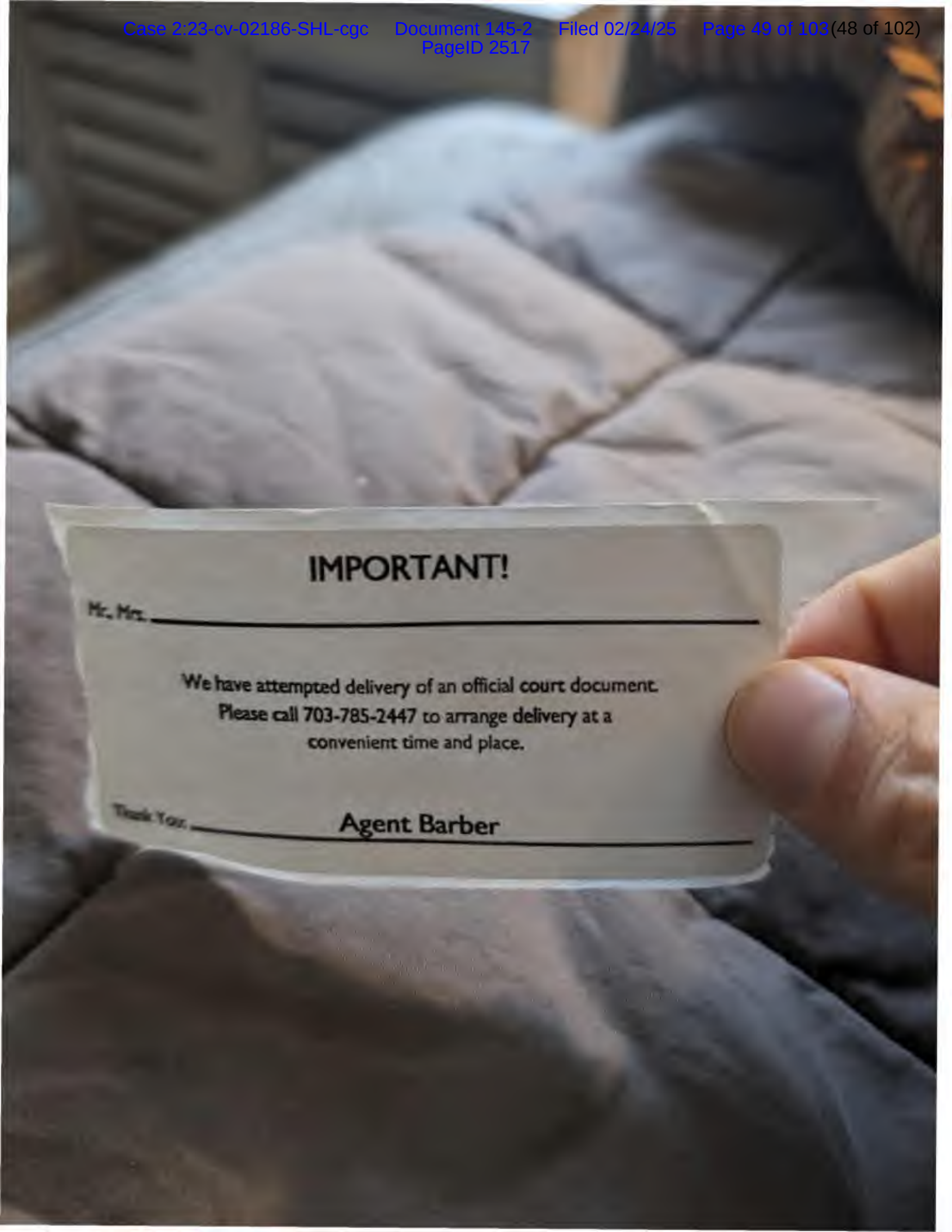
I have compiled and overnighted a comprehensive dossier of this information to your office and to Fox 13 Memphis for further investigation. It is imperative that this matter be examined thoroughly to uphold the principles of fairness and justice.

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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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

Signature of Clerk or Deputy Clerk

/s/ Paige Waldrop Mills
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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Brian Irving

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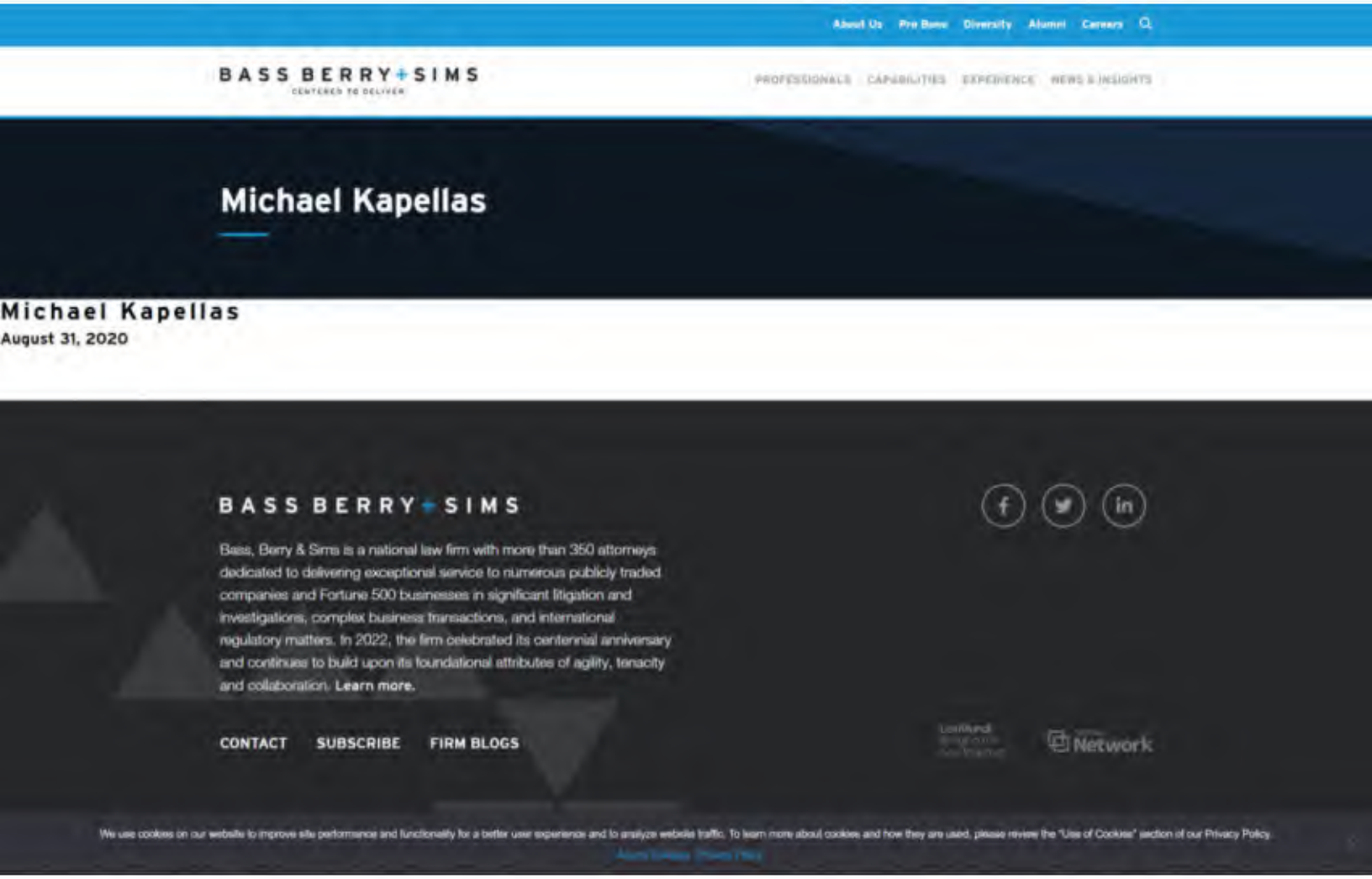
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file_name	11-1-23 - Protective Order.pdf
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file_type_extension	pdf
mime_type	application/pdf
pdf_version	1.6
linearized	No

author	Michael Kapellas
comments	
company	
create_date	2023:11:01 09:41:10-05:00
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subject	

file_name	11-1-23 - Protective Order.pdf
file_size	258 kB
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linearized	No

author	Michael Kapellas
comments	
company	
create_date	2023:11:01 09:41:10-05:00
modify_date	2023:11:01 10:57:45-05:00

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file_name	015 Order Denying Philipson's Motion to Quash Subpoena.pdf
file_size	141 kB
file_type	PDF
file_type_extension	pdf
mime_type	application/pdf
pdf_version	1.7
linearized	No

author	Kevin Wender
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
producer	Microsoft® Word for Microsoft 365; modified using iText® 7.1.6

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69 - Denial of Motion to Dismiss.pdf
103.01 KB

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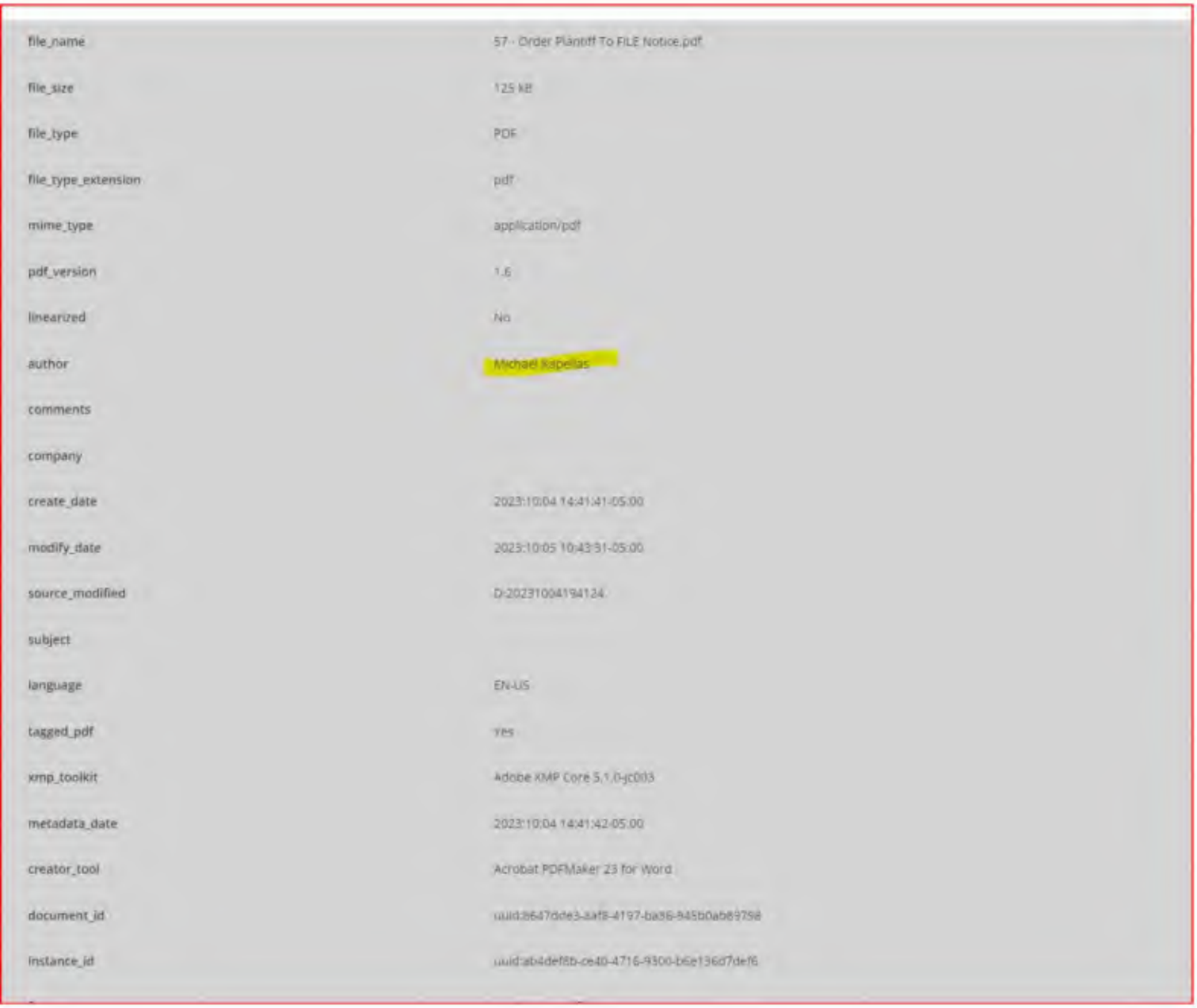
file_name	69 - Denial of Motion to Dismiss.pdf
file_size	105 kB
file_type	PDF
file_type_extension	pdf
mime_type	application/pdf
pdf_version	1.4
linearized	No

author	Judge -
create_date	2023:11:06 00:00:00+00:00
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



file_name	57 - Order Plaintiff To FILE Notice.pdf
file_size	125 kB
file_type	PDF
file_type_extension	pdf
mime_type	application/pdf
pdf_version	1.6
linearized	No
author	Michael Kapellas
comments	
company	
create_date	2023:10:04 14:41:41-05:00
modify_date	2023:10:05 10:43:51-05:00
source_modified	D:20231004194124
subject	
language	EN-US
tagged_pdf	Yes
xmp_toolkit	Adobe XMP Core 5.1.0-jc003
metadata_date	2023:10:04 14:41:42-05:00
creator_tool	Acrobat PDFMaker 23 for Word
document_id	uuid:8647dde3-aaf8-4197-ba36-945b0ab89798
instance_id	uuid:ab4def8b-ce40-4716-9300-b6e136d7def6

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 Plantiff To FILE Notice.pdf	Michael Kapellas

11-1-23 - Protective Order.pdf	Michael Kapellas
57 - Order Plantiff To FILE Notice.pdf	Michael Kapellas
ORDER DENYING MOTION TO COMPEL AND MOTION FOR EXPEDITED.pdf	Michael Kapellas
ORDER DENYING MOTION TO COMPEL AND MOTION FOR EXPEDITED.pdf	Michael Kapellas

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.	)	

DEFENDANT'S MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(6)

Defendant Dennis Philipson ("Defendant"), representing himself pro se, hereby moves this Honorable Court to dismiss the Complaint lodged against him by Plaintiff Mid-America Apartment Communities, Inc. ("Plaintiff" or "MAA"). This motion is submitted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, which allows for the dismissal of a complaint for failure to state a claim upon which relief can be granted.

INTRODUCTION

The Plaintiff initiated this lawsuit against the Defendant, alleging causes of action that seemingly run afoul of federal whistleblower protection laws, specifically the Sarbanes-Oxley Act of 2002 (18 U.S.C. § 1514A). The Sarbanes-Oxley Act was enacted to protect whistleblowers from retaliation when they lawfully disclose fraudulent activities or other corporate misconduct. Notably, the Plaintiff's aim in this litigation appears dual in nature: first, to intimidate the Defendant, and second, to secure evidence that was submitted by the Defendant to various governmental agencies during 2021 and 2022. This is evidenced by 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). The request suggests that the focus of this litigation extends beyond allegations of trademark infringement or cybersquatting and seeks to retrieve previously disclosed evidence.

Pursuant to the legal standards set forth by the United States Supreme Court in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), and Ashcroft v. Iqbal, 556 U.S. 662 (2009), a complaint must contain "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." Under these precedents, a court is not obligated to accept as true legal conclusions or unwarranted inferences, and the Plaintiff must provide more than mere "labels and conclusions" to survive a motion to dismiss under Rule 12(b)(6).

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

Gmail 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 •
tmcclanahan@bassberry.com • www.bassberry.com

Gmail 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 •
tmcclanahan@bassberry.com • www.bassberry.com

2 attachments

BASS BERRY+SIMS image001.gif 4K

BASS BERRY+SIMS image001.gif 4K

Gmail 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>

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Dennis

On Mon, Aug 14, 2023, 5 08 PM McClanahan, Teresa <TMcClanahan@bassberry.com> wrote

Mr. Philipson,

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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 •
tmcclanahan@bassberry.com • www.bassberry.com

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 Phillis@bassberry.com New messages from this sender will be sent to Spam

Unblock sender | Move to spam

Mr Philpson

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 8:15 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 Philpson,

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 individual addressee(s). Your receipt is not intended to waive any applicable privileges. If you have received this email in error, please delete it and immediately notify the sender by separate email.

Reply | Reply all | Forward

Gmail phillydee100 <phillydee100@gmail com>

Please file MOTION to Dismiss 2:23-cv-02186-SHL-cgc

1 message

phillydee100 <phillydee100@gmail com> Wed, Aug 30 2023 at 3 14 PM
To IntakeTNWD@tnwd uscourts gov
Cc phillydee100 <phillydee100@gmail com>

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

Gmail phillydee100 <phillydee100@gmail.com>

Fwd: Response to MOTION 2:23-cv-02186-SHL-cgc

phillydee100 <phillydee100@gmail.com> Wed, Aug 16, 2023 at 9:36 AM
To: IntakeTNWD@tnwd.uscourts.gov
Cc: phillydee100 <phillydee100@gmail.com>

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

Gmail 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

Gmail 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 at 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

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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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.

Exhibit D

Gmail

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

Gmail

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 PLC
The 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

Gmail

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 PLC
The 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
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 C

Selected docket entries for case 24−6082

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Filed	Document Description	Page	Docket Text
02/24/2025	32 appellee brief	2	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)

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
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

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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

"MAA.Apartments," 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 mater, 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
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 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

Record Entry No.	Description	Record Entry Date	PageID# Range
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

NOTICE TO THE COURT

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.

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


BASS
BERRY+
SIMS

Fwd: Cease and Desist Reminder

1 message

Dee Philips <mikeydphilips@gmail.com> Wed, Feb 26, 2025 at 3:28 PM
To: Dee Philips <mikeydphilips@gmail.com>

---------- 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>, <tmcclanahan@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] [086954f5f20d9cc822bef719c70a06
3d5c774e66f941960dfeef03c6fc43387df8a7474830e29c59d46497d885aca069a7faeda3bcfdf95522addf6e84136acd]]

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 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 B

From: Dee Philips
To: Williams, Kris R.
Cc: Golwen, John S.; Mills, Paige; Thomas, Jordan
Subject: Re: Philipson - MAA Post Judgment Discovery Requests - Set One
Date: Monday, January 27, 2025 4:19:50 PM

Here is my answer to all questions as well. Go fuck yourself.

Thanks for the email.

Dennis

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.
>
> **Kris Williams**
>
> Paralegal
>
> **Bass, Berry & Sims PLC**
> The Tower at Peabody Place - 100 Peabody Place, Suite 1300
> Memphis, TN 38103-3672
> 901-543-1630 phone
> Kris.Williams@bassberry.com • www.bassberry.com

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

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

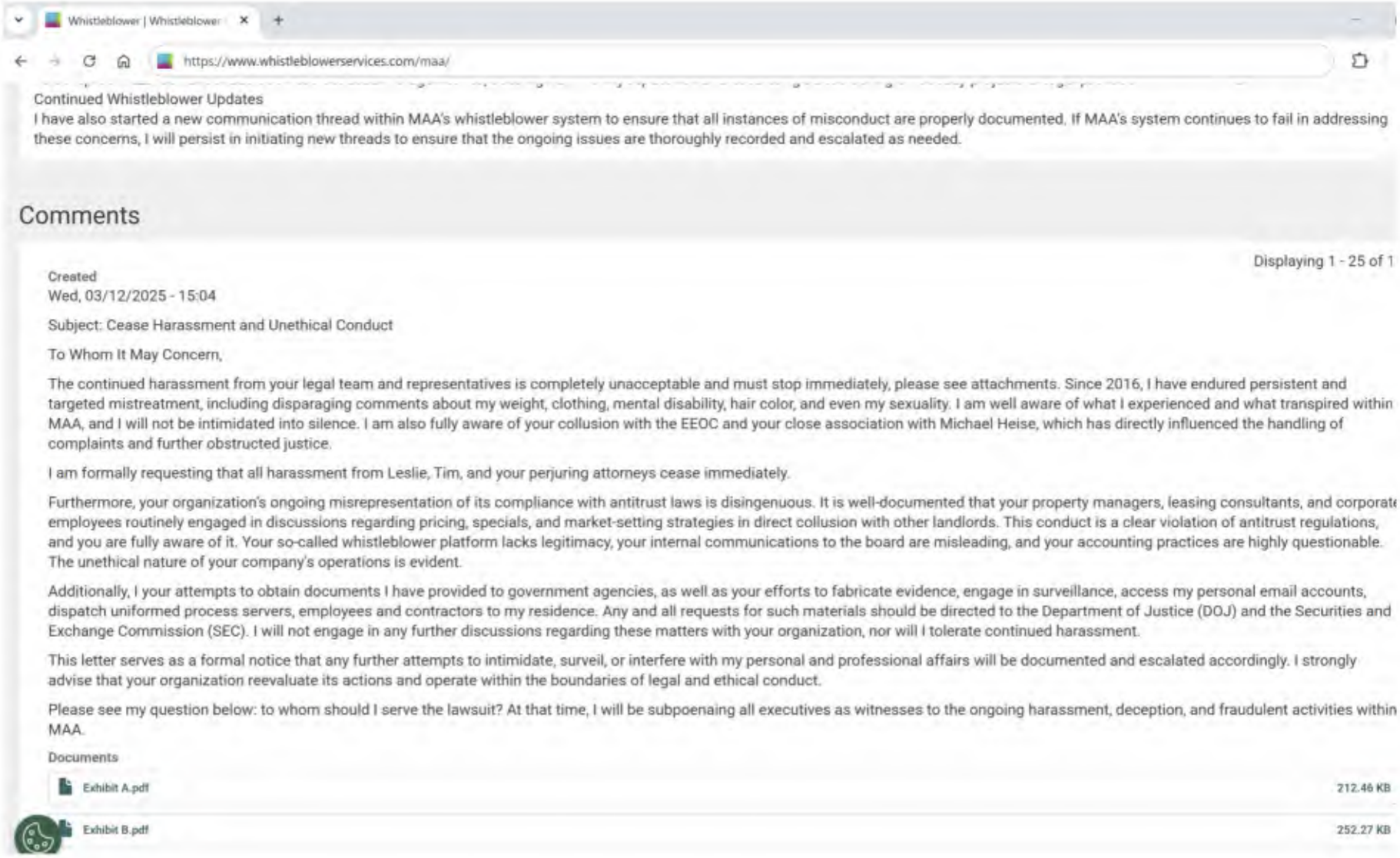
John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
Bass, Berry & Sims PLC
100 Peabody Place, Suite 1300
Memphis, Tennessee 38103
Tel: (901) 543-5903
Fax: (615) 742-6293
Counsel for Mid-America Apartment Communities, LLC

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant, Pro Se

EXHIBIT A


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
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

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

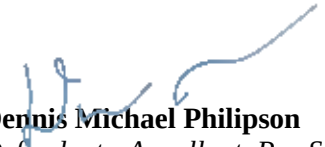
WHEREFORE, the Defendant respectfully requests that this Court:

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 13 th day of March 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 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

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

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 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

Re: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses

1 message

Dee Philips <mikeydphilips@gmail.com> Fri, Mar 14, 2025 at 12:57 PM
To: jgolwen@bassberry.com.trackapp.io
Cc: jordan.thomas@bassberry.com.trackapp.io, PMills@bassberry.com.trackapp.io
Bcc: Dee Philips <mikeydphilips@gmail.com>

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,
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> 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.
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> 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.
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> 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.
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> 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.
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> Do not email me again. Do not mail me.
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> Dennis
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> > 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 le 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

Gmail

Dee Philips <mikeydphilips@gmail.com>

Re: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses

Dee Philips <mikeydphilips@gmail.com> Fri, Mar 14, 2025 at 2:03 PM
Draft

---------- Forwarded message ---------
From: **Dee Philips** <mikeydphilips@gmail.com>
Date: Fri, Mar 14, 2025 at 2:02 PM
Subject: Re: Case No. 2:23-cv-02186 Proposed Order re Motion to Reopen Case and Motion to Compel Discovery Responses
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>

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 in Notably, 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 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 Coummunities 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:

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Thank you,

BBS

John Golwen
Member

Bass, Berry & Sims PLC
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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

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

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.

Dated this 18th day of March 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 March 2025, a true and correct copy of the foregoing DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO REOPEN CASE 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

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

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 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 le 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' 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 in Notably, 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

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 Coummunities 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 le 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

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,

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 le 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

UNITED STATES POSTAL SERVICE

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:

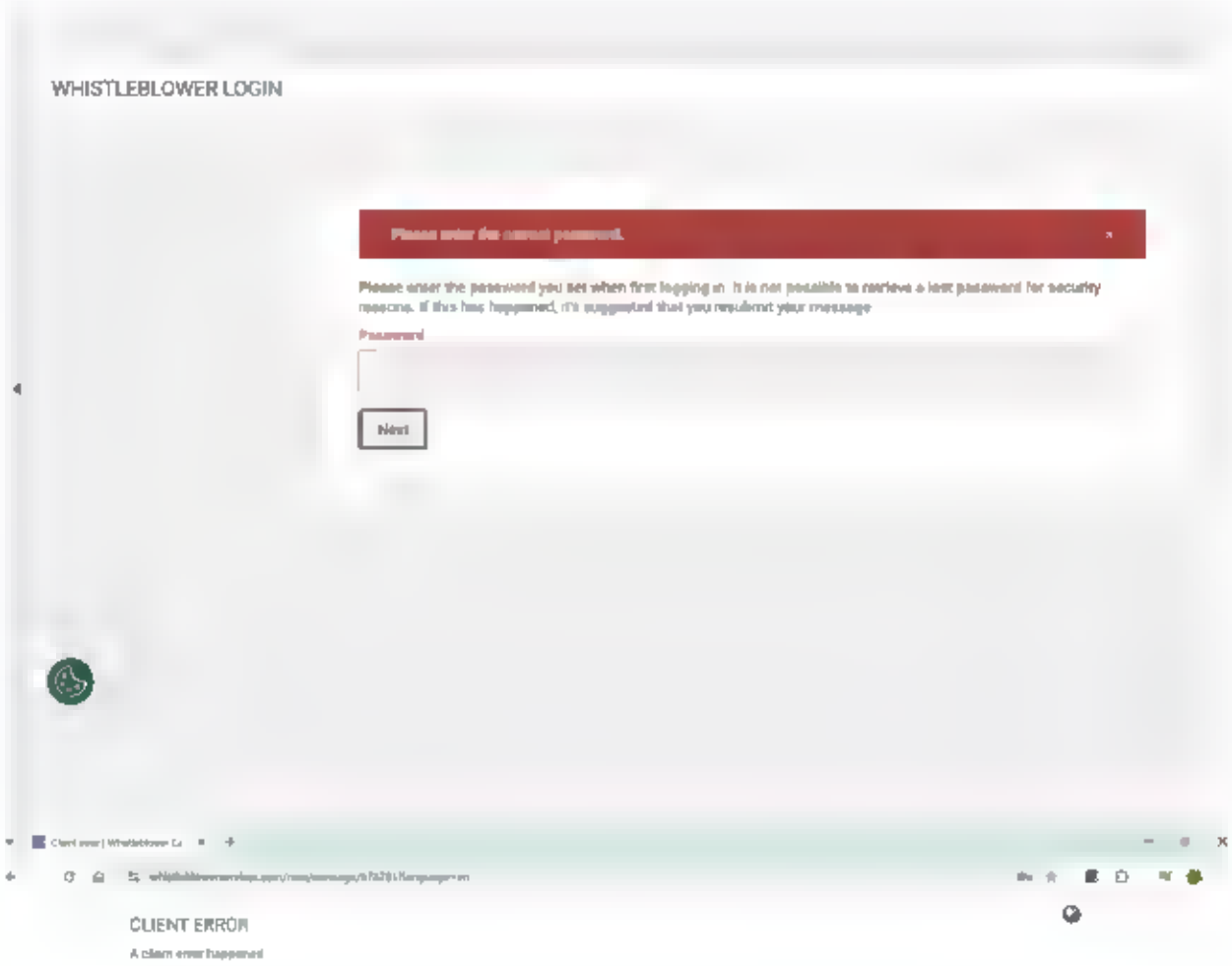
Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

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


WHISTLEBLOWER LOGIN
Next
CLIENT ERROR

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
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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 remidiation 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.

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 Phillpson 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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Screenshot_20210917-105707.png (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)	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)	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)	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 Innapproriate Meme.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/Email%208-26-20%20Innapproriate%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 question. 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 Causulty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causulty.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 Causulty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causulty_0.pdf?language=en)	1.31 MB
3-12-21 Ice Storm Causulty.pdf (https://www.whistleblowerservices.com/maa/system/files-encrypted/whistleblower/documents/2021-09-20/3-12-21%20Ice%20Storm%20Causulty_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

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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 APPELANT BRIEF
) January 16, 2025
)

)
)Page 2 of 27
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**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

RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO ISSUE SUBPOENAS

Plaintiff Mid-America Apartment Communities, Inc. ("MAA"), respectfully submits this response in opposition to Defendant Dennis Philipson's ("Philipson") Motion to Issue Subpoenas.

In his pro se motion for issuance of subpoenas to various federal agencies, Defendant asserts (1) that the discovery sought by MAA in aid of execution requires access to records in the custody of federal agencies; and, (2) that MAA only provided the discovery in "physical form and [it] was not uploaded to the court docket."

With respect to Defendant's first contention, no documents necessary for Philipson to comply with Plaintiff's Discovery Requests in Aid of Execution or sought in the corresponding Motion Compel are within the custody of the federal agencies. Instead, MAA requests information and documents in aid of its execution on the judgment obtained against Philipson that Philipson possesses. All of the information and documents sought should be in his possession. MAA seeks nothing beyond items in the custody and/or control of Philipson. Thus, no subpoenas are necessary, and the current motion serves as a delay tactic by Philipson.

With respect to the second contention that the discovery in aid of execution "were only provided to [him] in physical form" and that "the only way to obtain it in a timely manner is through a subpoena to the DOJ" (Dkt. 150, at 1), that is incorrect. As noted in MAA's Motion to Compel, counsel for MAA served these discovery requests electronically to Philipson. As has become his practice in this lawsuit, Philipson immediately responded to the service email with inappropriate profanity which serves to confirm his receipt of the service by email. In addition to confirming receipt of the service email, MAA notes that the discovery is also attached to MAA's Motion to Compel which MAA filed in this Court and uploaded to the docket. Moreover, the Court may take notice that Philipson recently filed a "Notice" in the Sixth Circuit Court of Appeals in which he actually attaches the discovery in aid of execution. Thus, Philipson continues to mislead this Court in a self-contradicting manner. None of his arguments are supported by the record.

CONCLUSION

For the foregoing reasons, MAA respectfully asks this Court to deny Philipson's Motion to Issue Subpoenas.

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 March 18, 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

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 THE OPPOSITION AND EXPEDITED REVIEW OF PENDING MOTIONS IN THIS COURT

First and foremost, I will not engage in the procedural maneuvering between the District Court, the Appellate Court, MAA, and its attorneys, which only serves to prolong proceedings, waste my time, and obstruct the fair administration of justice. It is evident that the Appellate Courts are deliberately avoiding a meaningful review of key issues to evade acknowledging the blatant misconduct in this case, just as they did in my first appeal, Case No. 24-5614, and in response to my Circuit Executive Complaint. Rather than addressing these serious violations, the courts have chosen to sidestep their duty, allowing this misconduct to persist unchecked.

I will not continue to participate in a process designed solely to delay proceedings, intimidate and harass me, and obstruct the proper adjudication of this case. The ongoing legal tactics by MAA and its attorneys serve no legitimate purpose beyond misdirection, reputational harm, and an attempt to avoid accountability for their own misconduct.

I submit this response to Plaintiff Mid-America Apartment Communities, Inc.'s (MAA) opposition to my Motion to Issue Subpoenas (Dkt. 155) and request an expedited review of pending matters before this Court. Plaintiff continues to misrepresent the facts and use the

judicial process as a tool for harassment, retaliation, and financial coercion. This case remains fundamentally tainted by fraud, procedural misconduct, and judicial irregularities, and the judgment was obtained through improper and unjust means.

MAA and their attorneys are welcome to contact the Department of Justice (DOJ) or any other government agency instead of continuing this baseless harassment against me. As I have stated multiple times, any and all materials ever in my possession were provided to the federal government as part of whistleblower submissions, formal government complaints, or an EEOC case. Plaintiff's ongoing pursuit of these materials serves no legitimate purpose and only further highlights the retaliatory nature of these proceedings.

After again reviewing my emails, computers, cell phones, and cloud storage, etc several times throughout this lawsuit, I was unable to identify any information responsive to Plaintiff's requests. Any and all documents, emails, recordings, internal MAA reports, incident reports, and evidence of accounting fraud, antitrust violations, deceptive specials, market surveys, data breaches, or other regulatory concerns were provided to government agencies. Plaintiff's continued assertion that these materials remain in my possession is unfounded and mischaracterize the situation.

I believe I recall that, in at least one request, Plaintiff stated that any documents not marked for confidential treatment and available through FOIA should still be provided. Regardless, this still constitutes a violation of whistleblower protections.

Moreover, several federal statutes prohibit the disclosure of whistleblower submissions, even in litigation. The Dodd-Frank Act explicitly protects SEC whistleblower information from disclosure, including through FOIA or subpoenas. The IRS's whistleblower provisions similarly prohibit the release of whistleblower submissions. The False Claims Act and other laws bar any attempt to compel a whistleblower to reveal what was reported to the government. By demanding these materials, Plaintiff is effectively asking this Court to compel a violation of federal whistleblower protections.

Plaintiff was fully aware of my mental health condition, as documented in Dkt. 43-2, when I submitted a disability verification form to MAA for the sole purpose of waiving a minor pet accommodation fee. Plaintiff had no issue acknowledging my disability at that time to benefit financially but now seeks to weaponize the legal system against me while disregarding the same documented condition.

Additionally, my Motion for Reasonable Accommodation (Dkt. 76) outlines the significant barriers imposed by my disability, as well as my educational limitations, including the fact that I dropped out of high school at 15 and have no college degree. Plaintiff's insistence on compliance with discovery demands that I cannot reasonably fulfill is not only retaliatory but a direct violation of my due process rights.

I also note that Plaintiff's ongoing legal tactics amount to abuse of process and run afoul of the Tennessee Rules of Professional Conduct, particularly Rule 3.3 (Candor Toward the Tribunal) and Rule 4.4 (Respect for Rights of Third Persons). The Court has an obligation to ensure that discovery is used properly—not as a tool for harassment or an attempt to expose a

whistleblower's interactions with law enforcement. Plaintiff's Request No. 2 is at best a fishing expedition into privileged communications with regulators and at worst an attempt to obstruct ongoing government investigations or retaliate against my whistleblowing activities. Such tactics should not be permitted.

MAA is already involved in a civil lawsuit regarding their collusion with RealPage and other property management companies. While I cannot be certain, I have a strong belief that charges related to this collusion will arise at a later time. Given the growing legal and regulatory scrutiny surrounding these practices, it is likely that further legal consequences will follow.

I plan to issue the subpoenas attached as Exhibit A. If the Western District of Tennessee Court wishes to expedite the approval of any motions, it is welcome to do so, but it will not change the fact that this case is built on fraud, retaliation, and abuse of process. No amount of judicial intervention can validate a judgment obtained through procedural misconduct, retaliation, and unethical legal tactics.

Dated this 19th day of March 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 19th day of March 2025, a true and correct copy of the foregoing **RESPONSE TO THE OPPOSITION AND EXPEDITED REVIEW OF PENDING MOTIONS IN THIS COURT** CASE 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

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

TENNESSEE WESTERN DIVISION

District of

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff
v.
DENNIS MICHAEL PHILIPSON
Defendant

Civil Action No. No. 2:23-cv-2186-SHL-cgc

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Mid-America Apartment Communities, Inc.
Attn: Corporate Secretary
6815 Poplar Avenue, Suite 500
Memphis, TN 38138
(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the
See Attachment A for full list of requested documents.

Place: 6178 Castletown Way, Alexandria, VA 22310

Date and Time: April 7, 2025

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

Place:

Date and Time:

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

Date: 3/19/2025

CLERK OF COURT

OR

s/ Judy Easley
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)* Dennis Philipson 6178 Castletown Way Alexandria VA 22310, who issues or requests this subpoena, are:
Pro Se - Mikeydphilips@gmail.com - 949-432-6184

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, 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).

Civil Action No.

PROOF OF SERVICE

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

I received this subpoena for *(name of individual and title, if any)* _____ on *(date)* _____ .

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

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____ .

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

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

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

Date: _____

Server's signature

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

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

(c) Place of Compliance.

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

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

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

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

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

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

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

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

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

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

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

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

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

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

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

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

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

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

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

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

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

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

(2) ***Claiming Privilege or Protection.***

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

(i) expressly make the claim; and

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

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

(g) Contempt.

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

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS

TO:
Mid-America Apartment Communities, Inc.
ATTN: Corporate Secretary
6815 Poplar Avenue, Suite 500
Memphis, TN 38138

YOU ARE HEREBY COMMANDED, pursuant to Rule 45 of the Federal Rules of Civil Procedure, to produce the documents, records, and materials listed in Schedule A attached hereto. Such materials shall be delivered on or before 14 days from service of this subpoena to the following location:

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

Alternatively, documents may be produced electronically via secure file transfer. If an alternative method of delivery is required, the recipient must notify the undersigned within **7 days** of receipt of this subpoena.

Failure to comply with this subpoena may result in sanctions as provided by law.

Dated: March 20, 2025

/s/ Dennis Michael Philipson

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

SCHEDULE A – DOCUMENT REQUESTS

SUBPOENA TO MID-AMERICA APARTMENT COMMUNITIES, INC.

Case No. 2:23-cv-2186-SHL-cgc

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are required to produce the following documents within 14 days of service of this subpoena at the location specified in the attached subpoena.

1. Employment Records: All personnel records for Dennis Michael Philipson, including but not limited to hiring records, background checks, performance evaluations, promotions, demotions, disciplinary actions, employment agreements, termination records, severance agreements, and any related correspondence from January 2016 to present.
2. Internal Investigations & Complaints: Copies of any internal complaints, investigations, or disciplinary proceedings involving Dennis Michael Philipson, including investigative notes, findings, resolutions, and any discussions regarding whistleblower concerns, regulatory compliance, or financial misconduct.
3. Whistleblower-Related Communications: Any emails, reports, or correspondence discussing whistleblower complaints, regulatory investigations, or compliance violations concerning Dennis Michael Philipson, including but not limited to discussions among executives, legal counsel, board members, and external auditors.
4. Regulatory & Government Correspondence: Any records reflecting communications between MAA and federal agencies regarding whistleblower complaints or regulatory matters involving Dennis Michael Philipson, including but not limited to:
    - Securities and Exchange Commission (SEC)
    - Department of Justice (DOJ)
    - Internal Revenue Service (IRS)
    - Equal Employment Opportunity Commission (EEOC)
    - U.S. Department of Housing and Urban Development (HUD)
    - Federal Trade Commission (FTC)
5. Financial & Compliance Reports: Any internal audits, compliance reports, board meeting minutes, or financial statements discussing fraudulent accounting practices, regulatory violations, or financial risk assessments related to MAA, as well as any reviews of casualty loss claims and insurance adjustments.
6. Insurance Claims & Casualty Loss Records: Any documents, emails, or reports discussing casualty loss claims, insurance payouts, or financial adjustments related to property damages or losses at MAA or its affiliates.
7. Electronic Communications: Any emails, chat logs, or internal messaging system records involving MAA employees discussing Dennis Michael Philipson, whistleblower complaints, internal investigations, or regulatory compliance issues.

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025 a true and correct copy of this Subpoena to Produce Documents, Information, or Objects and Schedule A was served via upon:

Mid-America Apartment Communities, Inc.
ATTN: Corporate Secretary
6815 Poplar Avenue, Suite 500
Memphis, TN 38138

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

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

TENNESSEE WESTERN DIVISION District of

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff

v.

DENNIS MICHAEL PHILIPSON
Defendant

Civil Action No. No. 2:23-cv-2186-SHL-cgc

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: U.S. Department of Justice – Criminal Division
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A for full list of requested documents.

Place:	Date and Time:
6178 Castletown Way, Alexandria, VA 22310	April 7, 2025

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

Place:	Date and Time:

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

Date: 3/19/2025

CLERK OF COURT

OR

s/ Judy Easley
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)* _____

Dennis Philipson 6178 Castletown Way, Alexandria VA 22310, who issues or requests this subpoena, are:

Pro Se - Mikeydphilips@gmail.com - 949-432-6184

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, 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).

Civil Action No.

PROOF OF SERVICE

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

I received this subpoena for *(name of individual and title, if any)* _____ on *(date)* _____ .

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

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____ .

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

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

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

Date: _____

Server's signature

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

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

(c) Place of Compliance.

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

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

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

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

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

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

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

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

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

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

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

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

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

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

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

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

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

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

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

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

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

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

(2) ***Claiming Privilege or Protection.***

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

(i) expressly make the claim; and

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

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

(g) Contempt.

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

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS

TO:

U.S. Department of Justice – Criminal Division
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, we respectfully request that you provide the documents, records, and materials identified in Schedule A, attached hereto. If possible, we kindly ask that production be completed within 14 days of service of this subpoena and delivered to the following address:

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

Documents may be provided electronically via secure file transfer or mailed to the address listed above. If additional time is required, or if there are any questions regarding this request, please do not hesitate to reach out. Your cooperation and assistance in this matter are sincerely appreciated.

Dated: March 20, 2025

/s/ Dennis Michael Philipson

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

SCHEDULE A – DOCUMENT REQUESTS

SUBPOENA TO U.S. DEPARTMENT OF JUSTICE – CRIMINAL DIVISION

Case No. 2:23-cv-2186-SHL-cgc

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are required to produce the following documents within 14 days of service of this subpoena at the location specified in the attached subpoena.

1. Whistleblower Submissions: All documents, evidence, complaints, reports, emails, recordings, and correspondence submitted by Dennis Michael Philipson from April 2021 to present to the U.S. Department of Justice – Criminal Division. Any responses, tracking numbers, acknowledgment letters, and internal records related to these submissions.

2. Investigations & Case Files on Mid-America Apartment Communities, Inc. (MAA): Copies of any investigations, case files, inquiries, enforcement actions, or agency reviews referencing or arising from Defendant's disclosures concerning Mid-America Apartment Communities, Inc. (MAA).

3. Regulatory & Inter-Agency Correspondence: Any inter-agency communications or reports shared with the SEC, DOJ, IRS, EEOC, HUD, FBI, FTC, or other federal agencies regarding Defendant's whistleblower complaints or regulatory filings related to MAA.

4. Financial & Compliance Reports Related to MAA: Any audits, enforcement actions, penalties, settlement agreements, and regulatory compliance reports concerning MAA.

5. Electronic Communications & Evidence: Any emails, chat logs, or internal communications referencing Dennis Michael Philipson's whistleblower submissions, regulatory concerns, or evidence related to Mid-America Apartment Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025 a true and correct copy of this Subpoena to Produce Documents, Information, or Objects and Schedule A was served via upon:

U.S. Department of Justice – Criminal Division
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

/s/ Dennis Michael Philipson

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

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

TENNESSEE WESTERN DIVISION District of

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff

v.

DENNIS MICHAEL PHILIPSON
Defendant

Civil Action No. No. 2:23-cv-2186-SHL-cgc

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: U.S. Equal Employment Opportunity Commission (EEOC) Headquarters
131 M Street, NE
Washington, DC 20507

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A for full list of requested documents.

Place:	Date and Time:
6178 Castletown Way, Alexandria, VA 22310	April 7, 2025

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

Place:	Date and Time:

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

Date: 3/19/2025

CLERK OF COURT

s/ Judy Easley
Signature of Clerk or Deputy Clerk

OR

Attorney's signature

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

Dennis Philipson 6178 Castletown Way Alexandria VA 22310 , who issues or requests this subpoena, are:

Pro Se - Mikeydphilips@gmail.com - 949-432-6184

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, 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).

Civil Action No.

PROOF OF SERVICE

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

I received this subpoena for *(name of individual and title, if any)* _____ on *(date)* _____ .

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

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____ .

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

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

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

Date: _____

Server's signature

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

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

(c) Place of Compliance.

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

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

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

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

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

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

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

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

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

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

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

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

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

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

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

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

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

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

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

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

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

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

(2) ***Claiming Privilege or Protection.***

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

(i) expressly make the claim; and

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

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

(g) Contempt.

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

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS

TO:

U.S. Equal Employment Opportunity Commission (EEOC) Headquarters
131 M Street, NE
Washington, DC 20507

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, we respectfully request that you provide the documents, records, and materials identified in Schedule A, attached hereto. If possible, we kindly ask that production be completed within 14 days of service of this subpoena and delivered to the following address:

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

Documents may be provided electronically via secure file transfer or mailed to the address listed above. If additional time is required, or if there are any questions regarding this request, please do not hesitate to reach out. Your cooperation and assistance in this matter are sincerely appreciated.

Dated: March 20, 2025

/s/ Dennis Michael Philipson

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

SCHEDULE A – DOCUMENT REQUESTS

SUBPOENA TO U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Case No. 2:23-cv-2186-SHL-cgc

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are required to produce the following documents within 14 days of service of this subpoena at the location specified in the attached subpoena.

1. Whistleblower Submissions: Copies of any complaints, reports, evidence, emails, or other materials submitted by Dennis Michael Philipson to the EEOC regarding Mid-America Apartment Communities, Inc. (MAA), including but not limited to reports related to workplace discrimination, retaliation, wrongful termination, hostile work environment, or any other employment-related grievances.

2. Investigative Records on Mid-America Apartment Communities, Inc. (MAA): Any records, reports, internal communications, or case files documenting investigations, inquiries, compliance reviews, or enforcement actions undertaken by the EEOC concerning Mid-America Apartment Communities, Inc., including but not limited to issues related to Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and the Equal Pay Act (EPA).

3. Regulatory & Inter-Agency Correspondence: Copies of any correspondence, memoranda, or reports exchanged between the EEOC and other federal agencies regarding Mid-America Apartment Communities, Inc., including but not limited to the DOJ, SEC, IRS, HUD, and FTC, concerning compliance, complaints, enforcement actions, or whistleblower-related matters.

4. Employment & Compliance Reports Related to MAA: Any internal audits, compliance reports, board meeting minutes, or financial statements discussing regulatory violations, workplace discrimination claims, risk assessments, or internal investigations involving Mid-America Apartment Communities, Inc..

5. Electronic Communications & Evidence: Copies of any emails, internal messages, reports, or other communications within the EEOC referencing Dennis Michael Philipson, whistleblower complaints, regulatory concerns, or evidence related to Mid-America Apartment Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025 a true and correct copy of this Subpoena to Produce Documents, Information, or Objects and Schedule A was served via upon:

U.S. Equal Employment Opportunity Commission (EEOC) Headquarters
131 M Street, NE
Washington, DC 20507

/s/ Dennis Michael Philipson

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

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

TENNESSEE WESTERN DIVISION District of

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff

v.

DENNIS MICHAEL PHILIPSON
Defendant

Civil Action No. No. 2:23-cv-2186-SHL-cgc

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Federal Trade Commission (FTC)
600 Pennsylvania Avenue, NW
Washington, DC 20580
(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A for full list of requested documents.

Place:	Date and Time:
6178 Castletown Way, Alexandria, VA 22310	April 7, 2025

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

Place:	Date and Time:

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

Date: 3/19/2025

CLERK OF COURT

OR

s/ Judy Easley
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)* _____

Dennis Philipson 6178 Castletown Way Alexandria VA 22310, who issues or requests this subpoena, are:

Pro Se - Mikeydphilips@gmail.com - 949-432-6184

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, 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).

Civil Action No.

PROOF OF SERVICE

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

I received this subpoena for *(name of individual and title, if any)* _____ on *(date)* _____ .

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

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____ .

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

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

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

Date: _____

Server's signature

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

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

(c) Place of Compliance.

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

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

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

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

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

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

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

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

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

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

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

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

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

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

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

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

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

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

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

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

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

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

(2) ***Claiming Privilege or Protection.***

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

(i) expressly make the claim; and

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

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

(g) Contempt.

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

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS

TO:

Federal Trade Commission (FTC)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, we respectfully request that you provide the documents, records, and materials identified in Schedule A, attached hereto. If possible, we kindly ask that production be completed within 14 days of service of this subpoena and delivered to the following address:

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

Documents may be provided electronically via secure file transfer or mailed to the address listed above. If additional time is required, or if there are any questions regarding this request, please do not hesitate to reach out. Your cooperation and assistance in this matter are sincerely appreciated.

Dated: March 20, 2025

/s/ Dennis Michael Philipson

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

SCHEDULE A – DOCUMENT REQUESTS

SUBPOENA TO FEDERAL TRADE COMMISSION (FTC)

Case No. 2:23-cv-2186-SHL-cgc

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are required to produce the following documents within 14 days of service of this subpoena at the location specified in the attached subpoena.

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are respectfully requested to produce the following documents within 14 days of service of this subpoena at the location specified in the attached subpoena.

Whistleblower Submissions: Copies of any complaints, reports, evidence, emails, or other materials submitted by Dennis Michael Philipson to the FTC regarding Mid-America Apartment Communities, Inc. (MAA), including but not limited to reports related to unfair business practices, deceptive trade practices, antitrust violations, or any other consumer protection concerns.

Investigative Records on Mid-America Apartment Communities, Inc. (MAA): Any records, reports, internal communications, or case files documenting investigations, inquiries, compliance reviews, or enforcement actions undertaken by the FTC concerning Mid-America Apartment Communities, Inc., including but not limited to issues related to antitrust laws, consumer protection statutes, or unfair competition practices.

Regulatory & Inter-Agency Correspondence: Copies of any correspondence, memoranda, or reports exchanged between the FTC and other federal agencies regarding Mid-America Apartment Communities, Inc., including but not limited to the DOJ, SEC, IRS, EEOC, and HUD, concerning compliance, complaints, enforcement actions, or whistleblower-related matters.

Financial & Compliance Reports Related to MAA: Any internal audits, compliance reports, board meeting minutes, or financial statements discussing regulatory violations, risk assessments, consumer protection compliance, or financial misconduct involving Mid-America Apartment Communities, Inc..

Electronic Communications & Evidence: Copies of any emails, internal messages, reports, or other communications within the FTC referencing Dennis Michael Philipson, whistleblower complaints, regulatory concerns, or evidence related to Mid-America Apartment Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025 a true and correct copy of this Subpoena to Produce Documents, Information, or Objects and Schedule A was served via upon:

Federal Trade Commission (FTC)
600 Pennsylvania Avenue, NW
Washington, DC 20580

/s/ Dennis Michael Philipson

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

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

TENNESSEE WESTERN DIVISION District of

MID-AMERICA APARTMENT COMMUNITIES, INC.,
Plaintiff

v.

DENNIS MICHAEL PHILIPSON
Defendant

Civil Action No. No. 2:23-cv-2186-SHL-cgc

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: U.S. Department of Housing and Urban Development (HUD)
451 7th Street SW
Washington, DC 20410

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A for full list of requested documents.

Place:	Date and Time:
6178 Castletown Way, Alexandria, VA 22310	April 7, 2025

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

Place:	Date and Time:

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

Date: 3/19/2025

CLERK OF COURT

OR

s/ Judy Easley
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)* , who issues or requests this subpoena, are:

Dennis Philipson 6178 Castletown Way Alexandria VA 22310
Pro Se - Mikeydphilips@gmail.com - 949-432-6184

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, 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).

Civil Action No.

PROOF OF SERVICE

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

I received this subpoena for *(name of individual and title, if any)* _____ on *(date)* _____ .

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

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____ .

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

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

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

Date: _____

Server's signature

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

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

(c) Place of Compliance.

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

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

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

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

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

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

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

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

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

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

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

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

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

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

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

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

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

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

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

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

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

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

(2) ***Claiming Privilege or Protection.***

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

(i) expressly make the claim; and

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

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

(g) Contempt.

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

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

MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff, v. DENNIS MICHAEL PHILIPSON, Defendant.	)))))))))	No. 2:23-cv-2186-SHL-cgc

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS

TO:

U.S. Department of Housing and Urban Development (HUD)
451 7th Street SW
Washington, DC 20410

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, we respectfully request that you provide the documents, records, and materials identified in Schedule A, attached hereto. If possible, we kindly ask that production be completed within 14 days of service of this subpoena and delivered to the following address:

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

Documents may be provided electronically via secure file transfer or mailed to the address listed above. If additional time is required, or if there are any questions regarding this request, please do not hesitate to reach out. Your cooperation and assistance in this matter are sincerely appreciated.

Dated: March 20, 2025

/s/ Dennis Michael Philipson

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

SCHEDULE A – DOCUMENT REQUESTS

SUBPOENA TOU.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Case No. 2:23-cv-2186-SHL-cgc

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are required to produce the following documents within 14 days of service of this subpoena at the location specified in the attached subpoena.

1. Whistleblower Submissions: Copies of any complaints, reports, evidence, emails, or other materials submitted by Dennis Michael Philipson to HUD regarding Mid-America Apartment Communities, Inc. (MAA), including but not limited to reports related to housing violations, tenant discrimination, fraudulent insurance claims, or regulatory noncompliance.

2. Investigative Records on Mid-America Apartment Communities, Inc. (MAA): Any records, reports, internal communications, or case files documenting investigations, inquiries, compliance reviews, or enforcement actions undertaken by HUD concerning Mid-America Apartment Communities, Inc., including but not limited to issues related to Fair Housing Act violations, housing discrimination complaints, or tenant protection matters.

3. Regulatory & Inter-Agency Correspondence: Copies of any correspondence, memoranda, or reports exchanged between HUD and other federal agencies regarding Mid-America Apartment Communities, Inc., including but not limited to the DOJ, SEC, IRS, EEOC, and FTC, concerning compliance, complaints, enforcement actions, or whistleblower-related matters.

4. Financial & Compliance Reports Related to MAA: Any internal audits, compliance reports, board meeting minutes, or financial statements discussing regulatory violations, risk assessments, Fair Housing Act compliance, or property-related financial misconduct involving Mid-America Apartment Communities, Inc..

5. Electronic Communications & Evidence: Copies of any emails, internal messages, reports, or other communications within HUD referencing Dennis Michael Philipson, whistleblower complaints, regulatory concerns, or evidence related to Mid-America Apartment Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025 a true and correct copy of this Subpoena to Produce Documents, Information, or Objects and Schedule A was served via upon:

U.S. Department of Housing and Urban Development (HUD)
451 7th Street SW
Washington, DC 20410

/s/ Dennis Michael Philipson

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

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 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

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

/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 02, 2025

Mr. Rashad Jamal Chandler Sr.
Riverbend Maximum Security Institution
7475 Cockrill Bend Boulevard
Nashville, TN 37243-0471

Re: Case No. 25-5280, *Rashad Chandler, Sr. v. Ivory, et al*
Originating Case No. 2:23-cv-02325

Dear Mr. Chandler,

This appeal has been docketed as case number **25-5280** with the caption that is enclosed on a separate page. The appellate case number and caption must appear on all filings submitted to the Court.

This court must determine the appellate fee status of each new appeal. The district court's grant of pauper status at the beginning of the case does not automatically carry over to the appeal. A new determination is necessary.

The district court has certified that an appeal would not be taken in good faith and/or denied you leave to proceed on appeal *in forma pauperis*. As the appellant, you are responsible for paying the $605.00 filing fee for this appeal. If you cannot pay the fee in one lump sum, you may file a motion for pauper status. You have until **May 2, 2025** to either pay the $605.00 appellate filing fee to the U.S. District Court, or complete and return the enclosed motion for leave to proceed on appeal *in forma pauperis*, along with a financial affidavit and six-month prison trust account statement with the United States Court of Appeals for the Sixth Circuit. **Failure to do one or the other may result in the dismissal of the appeal without further notice**.

At this stage of the appeal, appellee should complete and file the following forms with the Clerk's office by **May 2, 2025**. More specific instructions are printed on each form.

The Clerk's office cannot give pro se litigants legal advice but questions about the forms or electronic case filing may be directed to the case manager.

Sincerely,

s/Michelle R. Lambert
Case Manager
Direct Dial No. 513-564-7035

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 25-5280

RASHAD JAMAL CHANDLER, SR.

Plaintiff - Appellant

v.

LIEUTENANT IVORY; ROBERT FINE, Sergeant; SERGEANT JONES; SERGEANT MAYNARD; CAPTAIN COCHRAN; HILTON HILL, JR., Warden; LIEUTENANT MACKLIN; JOHNNY FITZ, Warden of WTSP

Defendants - Appellees

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

v. Case No: (MRL)

MOTION FOR PAUPER STATUS

I move to waive the payment of the appellate filing fee under Fed. R. App. P. 24 because I am a pauper. This motion is supported by the attached financial affidavit.

The issues which I wish to raise on appeal are:

Signed: _____ Date: _____

Address: _____

_____

FORM 4

AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

United States Court of Appeals
for the Sixth Circuit

]

]

v.]

]

]

Case No: (MRL)

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. §§ 1746; 18 U.S.C. §§ 1621.)

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: _____

Date: _____

My issues on appeal are

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment				
Self-employment				
Income from real property (such as rental income)				
Interest and dividends				
Gifts				
Alimony				
Child support				
Retirement (such as social security, pensions, annuities, insurance)				
Disability (such as social security, insurance payments)				
Unemployment payments				
Public-assistance (such as welfare)				
Other (specify):				
Total monthly income:	$ 0.00	$ 0.00	$ 0.00	$ 0.00

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay

4. How much cash do you and your spouse have? $_____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount You Have	Amount Your Spouse Has

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other real estate (Value)	Motor Vehicle #1 (Value)
		Make & year
		Model
		Registration #

Motor Vehicle #2 (Value)	Other assets (Value)	Other assets (Value)
Make & year		
Model		
Registration #.		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)		
Are real estate taxes included? ☐Yes ☐No Is property insurance included? ☐Yes ☐No		
Utilities (electricity, heating fuel, water, sewer, and telephone)		
Home maintenance (repairs and upkeep)		
Food		
Clothing		
Laundry and dry-cleaning		
Medical and dental expenses		
Transportation (not including motor vehicle expenses)		
Recreation, entertainment, newspapers, magazines, etc.		
Insurance (not deduced from wages or included in mortgage payments)		
Homeowner's or renter's		
Life		
Health		
Motor vehicle		
Other.		
Taxes (not deducted from wages or included in mortgage payments) specify:		
Installment payments		
Motor Vehicle		
Credit card (name):		
Department store (name):		
Other.		
Alimony, maintenance, and support paid to others		
Regular expenses for operation of business, profession, or farm (attach detail)		
Other (specify):		
Total monthly expenses:	$ 0.00	$ 0.00

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☐ No If yes, describe on an attached sheet.

10. Have you spent or will you be spending any money for expenses or attorney fees in connection with this lawsuit?

☐ Yes ☐ No If yes, how much? $

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

12. State the address of your legal residence.

Your daytime phone number: ( )

Your age: _____ Your years of schooling: _____

Exhibit B

Fwd: Case 2:23-cv-02186

1 message

MikeyDPhilips <mikeydphilips@gmail.com> Wed, Apr 2, 2025 at 1:46 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- 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

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.

Fwd: Case 2:23-cv-02186

1 message

MikeyDPhilips <mikeydphilips@gmail.com> Wed, Apr 2, 2025 at 1:48 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- 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>

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 Filling- Response to Emergency Motion.pdf Download

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 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. (*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.	)	Docket No. 2:23-cv-02186-SHL-cgc
	)	JURY DEMAND
DENNIS PHILIPSON, Defendant.	)	

DECLARATION OF ALEX TARTERA IN SUPPORT OF MAA'S SECOND MOTION FOR CONTEMPT

I, Alex Tartera, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am the Vice President of Cyber Security for Mid-America Apartment Communities, Inc. ("MAA" or "Plaintiff"), and I submit this supplemental declaration in further support of MAA's Motion for Contempt For Violating Permanent Injunction and Incorporated Memorandum of Law (the "Motion for Contempt") against Defendant Dennis Philipson ("Philipson").

2 On Monday, October 14, 2024. Dennis Philipson attempted to email MAA personnel from the email address rimmelleo@outlook.com. A true and correct copy of this email is attached hereto as **Exhibit 1**.

3. Philipson also sent the email, which was disparaging to MAA in violation of this Court's Injunction, to individuals at the Department of Justice and Pro Publica. (*See* **Exhibit 1**).

4. Attached hereto as **Exhibit 2** is a true and correct copy of a report that I created that shows the metadata of Philipson's email to MAA personnel on October 14.

5. As shown in the report, Philipson sent the email directly to MAA personnel, approximately 70 recipients. (*See* **Exhibit 2**).

6. Although MAA has created a content filter designed to block emails from Philipson, MAA personnel still received the latest email because it was sent from a new email address. (*See* **Exhibit 2**).

7. MAA continues to update its content filter as it identifies unique aspects related to Philipson and blocks email addresses as Philipson changes them.

8. Philipson also continues to use MAA personnel's names and email addresses to apply for jobs and sign up for subscriptions.

9. 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. A true and correct copy of this email is attached hereto as **Exhibit 3**

10. That same day, Mr Blackman also received two emails in his spam folder from usdoj@public.govdelivery.com welcoming him as a new user and confirming his subscription change. A true and correct copy of a screenshot of Mr. Blackman's spam folder is attached hereto as **Exhibit 4**.

11. Mr. Blackman never applied for a job through Workday, nor did he sign up for a subscription with the Department of Justice.

12. On or about November 1, 2024, Philipson applied for a Regional Vice President position with MAA using one of his fake personas—Tommy Grimey In addition to being an impermissible contact with MAA, this "resume" is replete with defamatory statements and innuendo about MAA, all in violation of the injunction.

13. Philipson continues to abuse the Whistleblower Portal with false and defamatory allegations that have already been investigated numerous times and have been determined to be without merit, sometimes filing multiple submissions per day. His continued abuse of this system is harassing, creates additional work and expense for MAA, and is not a legitimate use of the process. From January 29, 2025 to April 7, 2025, Philipson has made new submissions or added additional comments or attachments to existing submissions 109 times.

14 On April 1, 2025, Philipson once again violated this Court's Injunction by emailing MAA personnel a "written statement" to serve "as a formal record of Mid-America Apartment Communities, Inc.'s ongoing retaliation against [him] for lawfully submitting whistleblower disclosures to multiple federal agencies." The email reached 47 MAA recipients. Philipson signed his own name to this email and used the email address mikeydphilips@gmail.com. He then forwarded the email to Employee.Relations@maac.com A true and correct copy of this email is attached hereto as **Exhibit 5**.

15. Attached hereto as **Exhibit 6** is a true and correct copy of a report that I created that shows the metadata of Philipson's email to MAA personnel on April 1.

16. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 10, 2025.

Alex Partera

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

EXHIBIT 1

- From (Envelope): rimmelleo@outlook.com
- From (Header): rimmelleo@outlook.com
- To: jessup.franklin@propublica.org,kenneth.robinson@usdoj.gov,steven.jameson@usdoj.gov
- CC: brian.fowler@usdoj.gov
- Subject: Fw: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton
- Sent: Mon, 14 October 2024 - 18:11

It's clear that someone on the inside is working with the government, setting the stage to take down MAA, the attorneys, the TN courts, and the whole damn thing, all to save their own ass. Non-prosecution agreements are a powerful tool—they give cover to certain players, allowing them to walk away untouched while others are left to face the fallout. The clock is ticking for RealPage to respond to the DOJ complaint—they've got until November 11, and their response will be filled with the usual bullshit and lies, just like before.

Those emails from the Cortland raid, along with the boxes of documents and disks sent to the DOJ, have no doubt been invaluable in piecing it all together. Even filings and statements and submissions made over 20 years ago can still come back to haunt you—none of that releases anyone from future prosecution. When the time comes, those recordings will be essential, capturing what really went down behind the scenes. This is just the beginning. For more on what's unfolding, visit etassociation.org—you'll find what you need there. Marketing opportunity soon.

MAA

On

Mid-America Apartment Communities Inc has added a new press release to its website:

MAA Announces Minor Damage from Hurricanes Helene and Milton

Click here for a complete listing of Mid-America Apartment Communities Inc press releases.

Date Sent: 2024-10-14 6:34:18 PM

EXHIBIT 2

Status	From (Envelope)	From (Header)	To	Subject	Sent Date/Time	IP Address	Attachment	Route	Info	Spam Score	Spam Detection
Accepted	<rob.delpriore@maac.com>	<rob.delpriore@maac.com>	"<jennifer.patrick@maac.com>"	Re: [EXTERNAL] Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 21:13:35 EDT 2024	104.47.58.172		internal	Awaiting indexing	0	
Accepted	<rob.delpriore@maac.com>	<rob.delpriore@maac.com>	"<andrew.schaeffer@maac.com>"	Re: [EXTERNAL] Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 21:13:03 EDT 2024	104.47.58.168		internal	Awaiting indexing	0	
Archived	<rob.delpriore@maac.com>	DelPriore, Rob<rob.delpriore@maac.com>	"Schaeffer, Andrew<andrew.schaeffer@maac.com>"	Re: [EXTERNAL] Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 21:13:00 EDT 2024	104.47.58.168		internal	Indexed and archived		
Archived	<rob.delpriore@maac.com>	DelPriore, Rob<rob.delpriore@maac.com>	"Patrick, Jennifer<jennifer.patrick@maac.com>"	Re: [EXTERNAL] Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 21:13:00 EDT 2024	104.47.58.172		internal	Indexed and archived		
Held	<tommygrimey@outlook.com>	<tommygrimey@outlook.com>	"<amber.fairbanks@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 20:30:23 EDT 2024	40.92.20.104		inbound	Message Hold Applied - Spam Signature policy	3	Aggressive
Held	<tommygrimey@outlook.com>	<tommygrimey@outlook.com>	"<jay.blackman@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 20:30:23 EDT 2024	40.92.20.104		inbound	Message Hold Applied - Spam Signature policy	3	Aggressive
Held	<tommygrimey@outlook.com>	<tommygrimey@outlook.com>	"<rob.delpriore@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 20:30:23 EDT 2024	40.92.20.104		inbound	Message Hold Applied - Spam Signature policy	3	Aggressive
Held	<tommygrimey@outlook.com>	<tommygrimey@outlook.com>	"<clay.holder@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 20:30:23 EDT 2024	40.92.20.104		inbound	Message Hold Applied - Spam Signature policy	3	Aggressive
Held	<tommygrimey@outlook.com>	<tommygrimey@outlook.com>	"<melanie.carpenter@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 20:30:23 EDT 2024	40.92.20.104		inbound	Message Hold Applied - Spam Signature policy	3	Aggressive
Archived	<andrew.schaeffer@maac.com>	Schaeffer, Andrew<andrew.schaeffer@maac.com>	"DelPriore, Rob<rob.delpriore@maac.com>"	Fwd: [EXTERNAL] Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:31:00 EDT 2024	104.47.55.177		internal	Indexed and archived		
Archived	<jennifer.patrick@maac.com>	Patrick, Jennifer<jennifer.patrick@maac.com>	"DelPriore, Rob<rob.delpriore@maac.com>"	FW: [EXTERNAL] Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:27:00 EDT 2024	104.47.66.49		internal	Indexed and archived		
Archived	<investorrelations@maac.com>	Investor Relations<investorrelations@maac.com>	"Schaeffer, Andrew<andrew.schaeffer@maac.com>;Patrick, Jennifer<jennifer.patrick@maac.com>"	FW: [EXTERNAL] Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:24:00 EDT 2024	104.47.55.44		internal	Indexed and archived		
Archived	<2xhesvwc@duck.com>	2xhesvwc@duck.com<2xhesvwc@duck.com>	"Investor Relations<investorrelations@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:23:00 EDT 2024	20.67.222.11		inbound	Indexed and archived	0	Aggressive
Archived	<rob.delpriore@maac.com>	DelPriore, Rob<rob.delpriore@maac.com>	"McGown, Gigi<gigi.mcgown@maac.com>;Golwen, John S.(jgolwen@bassberry.com)<jgolwen@bassberry.com>;Wolfgang, Leslie<leslie.wolfgang@maac.com>;Mills, Paige<pmills@bassberry.com>"	FW: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:20:00 EDT 2024	104.47.55.174		outbound	Indexed and archived		
Archived	<rob.delpriore@maac.com>	DelPriore, Rob<rob.delpriore@maac.com>	"Fairbanks, Amber<amber.fairbanks@maac.com>"	RE: [EXTERNAL] Fw: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:15:00 EDT 2024	104.47.57.41		internal	Indexed and archived		
Archived	<amber.fairbanks@maac.com>	Fairbanks, Amber<amber.fairbanks@maac.com>	"DelPriore, Rob<rob.delpriore@maac.com>"	Fwd: [EXTERNAL] Fw: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:14:00 EDT 2024	104.47.66.41		internal	Indexed and archived		

Archived	<rimmelleo@outlook.com>	Rimmel leo<rimmelleo@outlook.com>	"Fairbanks, Amber;[5]"	Fw: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 19:11:00 EDT 2024	40.92.20.100	inbound	Indexed and archived	1	Aggressive
Rejected	<mikeydphilips@gmail.com>	<maybear1420@gmail.com>	"<rob.delpriore@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:57:26 EDT 2024	209.85.128.194	inbound	Header Rejected	0	
Rejected	<mikeydphilips@gmail.com>	<maybear1420@gmail.com>	"<glenn.russell@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:57:22 EDT 2024	209.85.128.194	inbound	Header Rejected	0	
Rejected	<mikeydphilips@gmail.com>	<maybear1420@gmail.com>	"<melanie.carpenter@maac.com>"	Re: Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:57:01 EDT 2024	209.85.219.196	inbound	Header Rejected	0	
Bounced	<<>>	<chris.roetker@maac.com>	"<no-reply@q4inc.com>"	Automatic reply: [EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:40 EDT 2024	142.251.163.27	outbound	Hard Bounce	0	
Bounced	<<>>	<lori.thibodeau@maac.com>	"<no-reply@q4inc.com>"	Automatic reply: [EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:39 EDT 2024	172.253.122.27	outbound	Hard Bounce	0	
Bounced	<<>>	<carol.walker@maac.com>	"<no-reply@q4inc.com>"	Automatic reply: [EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:38 EDT 2024	142.251.167.26	outbound	Hard Bounce	0	
Bounced	<<>>	<ashlee.sanders@maac.com>	"<no-reply@q4inc.com>"	Automatic reply: [EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:33 EDT 2024	142.251.179.26	outbound	Hard Bounce	0	
Bounced	<bounces+20277149-5207-jenni.wilson=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<jenni.wilson@maac.com>"	[EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:24 EDT 2024	52.101.42.16	inbound	Hard Bounce	1	
Held	<bounces+20277149-7272-randall.knipmeyer=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<randall.knipmeyer@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:24 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-79ab-rashad.muhaimin=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<rashad.muhaimin@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:24 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-3dea-tanner.harris=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<tanner.harris@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:24 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-ffcf-stephanie.voigt=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<stephanie.voigt@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:23 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-0f4d-stephanie.baine=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<stephanie.baine@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:23 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-aa6b-rickey.fleming=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<rickey.fleming@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:23 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-f0e3-ping.guo=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<ping.guo@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:23 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-c080-melinda.riggs=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<melinda.riggs@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:22 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive

Held	<bounces+20277149-454a-kim.harper=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<kim.harper@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:22 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-6c01-joe.fracchia=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<joe.fracchia@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:21 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-65d1-ann.isgett=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<ann.isgett@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:21 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-616f-jeff.pelts=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<jeff.pelts@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:21 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-5529-david.level=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<david.level@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:20 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-0c1f-evan.brown=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<evan.brown@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:20 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-9907-dennis.duke=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<dennis.duke@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:20 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-5033-bryan.ellsberry=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<bryan.ellsberry@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:19 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-31d7-cara.mefford=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<cara.mefford@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:19 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-4554-becca.coleman=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<becca.coleman@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:19 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-c735-brandi.starbuck=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<brandi.starbuck@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:19 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Held	<bounces+20277149-5936-andrea.mack=maac.com@mail-sendgrid.q4inc.com>	<no-reply@q4inc.com>	"<andrea.mack@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:19 EDT 2024	168.245.55.252	inbound	Message Hold Applied - Spam Signature policy	1	Aggressive
Archived	<bounces+20277149-3b2c-clay.holder=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Holder, Clay<clay.holder@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1	
Archived	<bounces+20277149-91bb-tim.argo=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Argo, Tim<tim.argo@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1	
Archived	<bounces+20277149-25e2-carol.walker=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Walker, Carol<carol.walker@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1	
Archived	<bounces+20277149-728d-joe.bartlett=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Bartlett, Joe<joe.bartlett@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1	
Archived	<bounces+20277149-67a2-david.herring=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Herring, David<david.herring@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1	
Archived	<bounces+20277149-57e3-haydon.stanley=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Stanley, Haydon<haydon.stanley@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1	

Archived	<bounces+20277149-fe56-leslie.wolfgang=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Wolfgang, Leslie<leslie.wolfgang@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-16ae-natasha.johnson=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Johnson, Natasha<natasha.johnson@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
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Archived	<bounces+20277149-ed64-lynn.mcdaniel=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"McDaniel, Lynn<lynn.mcdaniel@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-c931-melanie.carpenter=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Carpenter, Melanie<melanie.carpenter@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-212e-lori.thibodeau=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Thibodeau, Lori<lori.thibodeau@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-dbc6-robert.delpriore=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"DelPriore, Rob<rob.delpriore@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-c201-jennifer.patrick=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Patrick, Jennifer<jennifer.patrick@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-cdfc-stephen.woo=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Woo, Stephen<stephen.woo@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-30b8-marbeth.roberts=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Roberts, Marbeth<marbeth.roberts@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<<>>	Walker, Carol<carol.walker@maac.com>	"Mid-America Apartment Communities Inc<no-reply@q4inc.com>"	Automatic reply: [EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	104.47.57.170	outbound	Indexed and archived	
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Archived	<bounces+20277149-8750-andrew.schaeffer=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Schaeffer, Andrew<andrew.schaeffer@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
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Archived	<bounces+20277149-0666-robert.russ=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Russ, Robert<robert.russ@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-1673-jackie.melnick=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Melnick, Jackie<jackie.melnick@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1

Archived	<bounces+20277149-0c3b-lucy.wiggins=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Wiggins, Lucy<lucy.wiggins@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-a83c-ashlee.sanders=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Sanders, Ashlee<ashlee.sanders@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-5207-jenni.wilson=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Wilson, Jennifer<jenni.wilson@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-451e-will.sappington=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Sappington, Will<will.sappington@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<<>>	Thibodeau, Lori<lori.thibodeau@maac.com>	"Mid-America Apartment Communities Inc<no-reply@q4inc.com>"	Automatic reply: [EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	104.47.55.47	outbound	Indexed and archived	
Archived	<bounces+20277149-b934-margaret.zoccola=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Zoccola, Margaret<margaret.zoccola@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
Archived	<bounces+20277149-2771-jana.ellis=maac.com@mail-sendgrid.q4inc.com>	Aimco<no-reply@q4inc.com>	"Ellis, Jana<jana.ellis@maac.com>"	Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	168.245.55.252	inbound	Indexed and archived	1
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Archived	<<>>	Roetker, Chris<chris.roetker@maac.com>	"Mid-America Apartment Communities Inc<no-reply@q4inc.com>"	Automatic reply: [EXTERNAL] Mid-America Apartment Communities Inc - MAA Announces Minor Damage from Hurricanes Helene and Milton	Mon Oct 14 18:34:00 EDT 2024	104.47.55.172	outbound	Indexed and archived	

EXHIBIT 3

From: avalonbay@myworkday.com
Date: October 21, 2024 at 4:44:01 PM EDT
To: "Blackman, Jay" <Jay.Blackman@maac.com>
Subject: [EXTERNAL] Application Received

Thank you for applying! We have received your application and will be in touch with next steps.

Click here to view the notification details.

This email box is not monitored. Please do not reply to this message.

workday.

EXHIBIT 4

[redacted]

From: "Blackman, Jay" <Jay.Blackman@maac.com>
Date: October 21, 2024 at 4:41:39 PM EDT
To: "Melnick, Jackie" <Jackie.Melnick@maac.com>
Subject: Is this weird?

I had these in my spam folder. I never signed up for anything involving the DOJ...

usdoj@public.govdelivery.com	Subscription Change Confirmation	2024-10-21 14:57
usdoj@public.govdelivery.com	Welcome New User	2024-10-21 14:58

Jay Blackman
Regional Vice President
501 Holland Lane
Alexandria, VA 22314
P: 901-296-1100
www.maac.com

EXHIBIT 5

From: MikeyDPhilips <mikeydphilips@gmail.com>
Sent: Wednesday, April 2, 2025 7:55 AM
To: Employee Relations <Employee.Relations@maac.com>
Subject: [EXTERNAL] Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity

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 appropriate channels, and involved concerns related to potential fraud, misconduct, or regulatory violations—concerns which I submitted in accordance with federal law.

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

EXHIBIT 6

Email date (UTC)	Recipients	Subject	Sender address	Sender display name	Sender domain	Sender IP	Sender mail from address	Sender mail	Delivery action	Latest delivery	Original delivery location	Internet message ID	Network message ID	Mail	Origin	Additi	Threats	File	File	Detection	Alert ID	Final	Ten	User	Directionality	URLs	Sender	Recipient	Exchange	Connector	Context	Data los	Threat Classification
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4/2/2025 12:55	clay.holder@maac.com	[EXTERNAL] Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.193	mikeydphilips@gmail.com	gmail.com	Delivered	Inbox/folder	Inbox/folder	<CAAC2uU2_38a-r7b1o5bo1W39NP6bVvS4HRadYxr4ka3C-Kv8cg@mail.gmail.com>	01459f45-06d7-4d91-ddc7-08dd71e59994	en		--					None	- All owed by organi zation pol	-	Inbound	(None | https://www[%%]trackapp[%%]jo/b/b2c676e90fc111f084bd42010a415012[%%]png] (None | https://url[%%]us[%%]m[%%]mimecastprotect[%%]com/s/0js1CVOJoNTG1NEPiGf3cE8KXX)	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-	
4/2/2025 12:55	joe.fracchia@maac.com	[EXTERNAL] Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.193	mikeydphilips@gmail.com	gmail.com	Delivered	Inbox/folder	Inbox/folder	<CAAC2uU3p5NEs9morWj5T2+LMo3e9KPTRfU1=ApmkEZ4g4x7wgQ@mail.gmail.com>	4371ab68-e473-4e9d-7a1f-08dd71e59c1a	en		--	Spam			Advanced filter		Allowed by organizati on policy	-	Inbound	(None | https://url[%%]us[%%]m[%%]mimecastprotect[%%]com/s/iPCkC4xWV9sXGMnGTOfyc4nDy7)	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-	
4/2/2025 12:55	anwar.brooks@maac.com	[EXTERNAL] Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	0.0.0.0	mikeydphilips@gmail.com	gmail.com	Delivered	Inbox/folder	Inbox/folder	<5487fc90921c47e7bb5f5bdbd3750a32@BY3PR18MB4660.namprd18.prod.outlook.com>	8c21ba54-a345-4e42-e6a3-08dd71e59af4	en		--					None	-	-	Inbound	(None | https://www[%%]trackapp[%%]jo/b/b057ec0a0fc111f084bd42010a415012[%%]png] (None | https://url[%%]us[%%]m[%%]mimecastprotect[%%]com/s/_duECAD8WmFkMLoXSGtzcGTtKY)	-	-	-	-	-	
4/2/2025 12:55	leslie.wolfgang@maac.com	[EXTERNAL] Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.193	mikeydphilips@gmail.com	gmail.com	Delivered	Inbox/folder	Inbox/folder	<CAAC2uU1BQcAWPB29AzLX-K24phOaDuwZ1kOGz2Pt4RskpRJNQg@mail.gmail.com>	06502e59-73f9-4fe9-2a6b-08dd71e597e0	en		--					None	-	-	Inbound	(None | https://www[%%]trackapp[%%]jo/b/b1022c750fc111f084bd42010a415012[%%]png] (None | https://url[%%]us[%%]m[%%]mimecastprotect[%%]com/s/yFtiCG6wz9TvoKlMSKfpcBOLrb)	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-	
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4/2/2025 12:55	brad.hill@maac.com	[EXTERNAL] Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.193	mikeydphilips@gmail.com	gmail.com	Delivered	Inbox/folder	Inbox/folder	<CAAC2uU0zO8Zhx_ILJwh2nS_4bz8ACD0Mdv5_rzk+8TEWx2fO8vQ@mail.gmail.com>	bc71472f-453d-4b8c-afbe-08dd71e598ad	en		--					None	-	-	Inbound	(None | https://www[%%]trackapp[%%]jo/b/b15cf9370fc111f084bd42010a415012[%%]png] (None | https://url[%%]us[%%]m[%%]mimecastprotect[%%]com/s/x9pHCKrAz6hV0zwVfMfVcS87XC)	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-	
4/2/2025 12:55	melanie.carpenter@maac.com	[EXTERNAL] Re: Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.193	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2-_HD2fA8gEA8Ow0uf5AQg=yoXmj=X7QUcAZEO8p_NQ@mail.gmail.com>	3bee61ed-c809-457a-a23d-08dd71e597ba	en		--	Spam			Advanced filter		None	-	-	Inbound	(None | https://www[%%]trackapp[%%]jo/b/b0ac42900fc111f084bd42010a415012[%%]png] (None | https://url[%%]us[%%]m[%%]mimecastprotect[%%]com/s/XyRqCDkw60F4QNmphWYcjkioi)	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-	
4/1/2025 14:50	jay.blackman@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU1P44qTpE3LYR7JGr9mvXRsWcm8CAB-CQtUCnTF7WJ5QQ@mail.gmail.com>	b40a47d8-4f43-47c9-f8bf-08dd712c6a0e	en		--	Spam			Advanced filter		None	-	-	Inbound	(None | https://www[%%]trackapp[%%]jo/b/83135a980f0811f084bd42010a415012[%%]png]	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-	
4/1/2025 14:50	amber.fairbanks@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.196	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2_GhYBLqGTADfnb9pdgHPiSDpUxqeRAjDZy6chvzr62Q@mail.gmail.com>	3297c23c-bf86-40b3-c250-08dd712c6b71	en		--	Spam			Advanced filter		None	-	-	Inbound	(None | https://www[%%]trackapp[%%]jo/b/8367ad31f0f811f084bd42010a415012[%%]png]	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-	

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4/1/2025 14:36	investorrelations@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.196	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU0VfRyFHt5zgkE=SW4qTBo==_d7EBWBD3s5kYQg406jFw@mail.gmail.com>	119d859b-8f8f-4dad-629b-08dd712a5c80	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7518f2140f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:36	joe.fracchia@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU1iC2qgo69tm1NcUB9d-xs9bgWh1sw+XGBvbXcjbCkwGA@mail.gmail.com>	ed5b23d9-1ca6-4e95-6a10-08dd712a5fbf	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/78af10020f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:36	employee.relations@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.196	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU3oZQnkD0sDOQv78mm8MK0r4BORQ2cY=ExjNcr7g8mmig@mail.gmail.com>	47005184-18c7-4070-b12b-08dd712a5fbc	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7578339c0f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	clay.holder@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered	Inbox/folder	Inbox/folder	<CAAC2uU1LBDR0ADgjJ5AwhHYubSGzcz2sVHqsEY9-5=frdG90mg@mail.gmail.com>	5249b84a-acf0-493e-95e1-08dd712a5eec	en	--			None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/770d0ae00f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	cammy.tyler@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	karen.bradford@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	andrea.brent@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	carolyn.eisom@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	wykeshia.grandberry@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
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4/1/2025 14:35	karen.hall@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	glenda.webb@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	desharon.plummer@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	sherri.banks@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	phonecia.witherspoon@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	xandra.todd@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	earline.jones@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	alex.tartera@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-

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4/1/2025 14:35	marieta.oliver@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
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4/1/2025 14:35	christie.mckay@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	koresa.taylor@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	ana.orozco@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	martha.glidewell@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
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4/1/2025 14:35	denise.saulsberry@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2p5ut1m5S7LMsm8BtBn0LvQrc_BFDgKm8Ra9xLb8MmAQ@mail.gmail.com>	095ed4a4-7a8e-4f90-76a6-08dd712a5f1a	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/7855a4750f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
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4/1/2025 14:35	brad.hill@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.195	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU1AQzdDT0p_ypjkA-oMrAo5r_1mtWVG0G744HXGPzmcCw@mail.gmail.com>	7c8a047b-4cf1-4577-5e21-08dd712a5e07	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/76afac0e0f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	melanie.carpenter@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.196	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU0FghOTN5TWv8BdjhY0e7xuEfx6+nSqAPdMyB1eeypPiw@mail.gmail.com>	ab25ff4d-d4de-4b0d-d325-08dd712a5c6c	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/75ce2f710f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-
4/1/2025 14:35	leslie.wolfgang@maac.com	[EXTERNAL] Formal Record Submission Documenting Continued Retaliation, Fabricated Allegations, Judicial Collusion, and Deceptive Litigation Practices in Retaliation for Protected Whistleblower Activity	mikeydphilips@gmail.com	MikeyDPhilips	gmail.com	209.85.128.194	mikeydphilips@gmail.com	gmail.com	Delivered to junk	Junk folder	Junk folder	<CAAC2uU2RZkuALk8tgJmyBDaPVFQ7_ZOu5c1HiLO3H8XdSef2yg@mail.gmail.com>	b3d515d0-b1bc-4a88-0236-08dd712a5cc2	en	--	Spam	Advanced filter	None	-	-	Inbound	{None | https://www[%%]trackapp[%%]io/b/76362aa40f0611f084bd42010a415012[%%]png}	-	-	Mimecast to O365:8e31f053-66e2-41c7-868e-94d85f10031b	-	-

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

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

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

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]

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[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,

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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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
Western Division
Office of the Clerk

Wendy R. Oliver, Clerk
242 Federal Building
167 N. Main Street
Memphis, Tennessee 38103
(901) 495-1200

Deputy-in-Charge
U.S. Courthouse, Room 262
111 South Highland Avenue
Jackson, Tennessee 38301
(731) 421-9200

NOTICE OF SETTING
Before Chief Judge Sheryl H. Lipman, United States District Judge

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April 23, 2025

RE: ***2:23-cv-02186-SHL***
Mid-America Apartment Communities, Inc. v Dennis Philipson

Dear Sir/Madam:

A **SHOW CAUSE HEARING RE ECF [158] SECOND MOTION FOR CONTEMPT FOR VIOLATING PERMANENT INJUNCTION** has been **SET** before **Chief Judge Sheryl H. Lipman** for **FRIDAY, MAY 9, 2025** at **11:00 A.M. in Courtroom No. 1, 11th floor of the Federal Building, Memphis, Tennessee.**

The parties are instructed to have present any witnesses who will be needed for this hearing.

If you have any questions, please contact the case manager at the telephone number or email address provided below.

Sincerely,
WENDY R. OLIVER, CLERK
BY: *s/Melanie Mullen*,
Case Manager for Chief Judge Sheryl H. Lipman
901-495-1255
melanie_mullen@tnwd.uscourts.gov

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

MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff,	)	
v.	)	No. 2:23-cv-2186-SHL-cgc
DENNIS MICHAEL PHILIPSON, Defendant.	)	

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

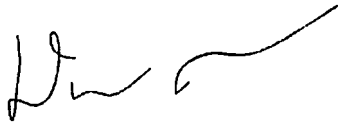
I demand that this filing be made part of the record in full, and that it be transmitted to any

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 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

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.

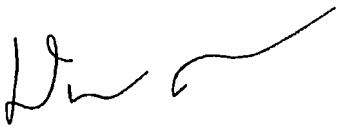
This notice further places MAA on record as knowingly complicit in the misuse of judicial process, retaliation against protected disclosures, and ongoing efforts to intimidate a whistleblower.

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



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

Gmail MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163):

MikeyDPhilips <mikeydphilips@gmail.com> Wed, Apr 23, 2025 at 11:41 AM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- 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_efiling@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>, <tmcclanahan@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

Gmail 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> Wed, Apr 23, 2025 at 11:45 AM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- 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

Gmail MikeyDPhilips <mikeydphilips@gmail.com>

24-6082 Mid-America Apartment Communities, Inc. v. Dennis Philipson "miscellaneous letter sent"

ca06-ecf-noticedesk@ca6.uscourts.gov <ca06-ecf-noticedesk@ca6.uscourts.gov> Wed, Apr 23, 2025 at 3:12 PM

To: MikeydPhilips@gmail.com

*****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 04/23/2025

Case Name:	Mid-America Apartment Communities, Inc. v. Dennis Philipson
Case Number:	24-6082
Document(s):	Document(s)

Docket Text:
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)

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
Mr. Dennis Philipson: MikeydPhilips@gmail.com
Ms. Jordan Elizabeth Thomas: jordan.thomas@bassberry.com

Notice will not be electronically mailed to:

Mr. Dennis Philipson
6178 Castletown Way
Alexandria, VA 22310

The following document(s) are associated with this transaction:
Document Description: miscellaneous letter sent
Original Filename: LETTER FROM CLERK 16228---Roy Ford---24-6082 letter to philipson re email.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105031299 [Date=04/23/2025] [FileNumber=7340576-0] [5b7c412fe41aa55354b19a9f8b105e bb538f8e858af089b9ed6e61c720c53b0652743b541ef080b311fec4ae0129e518199313ac9b39877e62c12267a3a99a4c]]

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,

Kelly L. Stephens

Kelly L. Stephens, Clerk

Gmail MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Submission for Docket – Notice of Filing and Supplemental Record Reference (Case No. 24-6082)

MikeyDPhilips <mikeydphilips@gmail.com> Thu, Apr 24, 2025 at 11:22 AM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 11:56 AM
Subject: Submission for Docket – Notice of Filing and Supplemental Record Reference (Case No. 24-6082)To: <ca06_pro_se_efiling@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>, <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>, <michael_kapellas@tnwd.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Dear Clerk of the Court,

Please accept the attached document for immediate inclusion in the appellate record in Case No. 24-6082, titled:

> Notice of Filing and Supplemental Record Reference Regarding Lower Court Misconduct, Non-Compliance, and Whistleblower Disclosure

This notice informs the Court of filings submitted to the United States District Court for the Western District of Tennessee (Case No. 2:23-cv-02186-SHL) and of whistleblower disclosures made to Mid-America Apartment Communities, Inc. through SEC-mandated reporting systems. The materials directly relate to the appeal and raise significant jurisdictional, ethical, and constitutional concerns.

The Notice should be docketed without delay as it reflects continued actions in the lower court that contravene this Court's jurisdiction and bind the integrity of the appellate review process.

If for any reason the Court declines to upload this document via electronic submission, I will transmit it by express mail to ensure timely inclusion in the record.

Please confirm docketing.

Sincerely,
Dennis Michael Philipson
Appellant, Pro Se
MikeyDPhilips@gmail.com
(949) 432-6184
6178 Castletown Way
Alexandria, VA 22310

5 attachments

04-23-25 - MAA Whistleblower Notification.pdf
142K

04-23 - 25 - Sent to TN Clerk, employees, judges - Notice of Non-Compliance and Objection to May 9 Hearing – Case No. 223-cv-02186.pdf
117K

04-23-25 - OBJECTION, REFUSAL TO PARTICIPATE, AND RESPONSE TO NOTICE OF SETTING (ECF NO. 163).pdf
174K

04-22-25 - NOTICE OF FILING – Response to Setting Letter (ECF 163).pdf
116K

04-23-25 - Email to Western TN Court, Employees and Judges - Refusal to Participate.pdf
172K

Gmail MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Attention: U.S. Marshals – Eastern District of Virginia | Request for Notice, Forwarding, and Review of Civil Contempt Enforcement Threats Originating from W.D. Tennessee

MikeyDPhilips <mikeydphilips@gmail.com> Thu, Apr 24, 2025 at 11:13 AM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 8:38 PM
Subject: Attention: U.S. Marshals – Eastern District of Virginia | Request for Notice, Forwarding, and Review of Civil Contempt Enforcement Threats Originating from W.D. Tennessee
To: <ECF_Judge_Anderson@tnwd.uscourts.gov>, <ECF_Judge_Fowlkes@tnwd.uscourts.gov>, <ECF_Judge_Parker@tnwd.uscourts.gov>, <ECF_Judge_Norris@tnwd.uscourts.gov>, <ECF_Judge_McCalla@tnwd.uscourts.gov>, <ECF_Judge_Mays@tnwd.uscourts.gov>, <ECF_Judge_Breen@tnwd.uscourts.gov>, <ECF_Judge_Pham@tnwd.uscourts.gov>, <ECF_Judge_Claxton@tnwd.uscourts.gov>, <ECF_Judge_York@tnwd.uscourts.gov>, <ECF_Judge_Christoff@tnwd.uscourts.gov>, <ca06_pro_se_efiling@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>, <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>, <ecf_judge_lipman@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>, <pamela.bondi@usdoj.gov>, <pam.bondi@usdoj.gov>, <criminal.division@usdoj.gov>, <antitrust.division@usdoj.gov>, <civilrights.division@usdoj.gov>

Dear U.S. Department of Justice and U.S. Marshals Service,

I will also file this email with the courts as well.

I apologize for the late message. I recognize that there is growing concern — both publicly and within the Department of Justice — about judicial integrity and systemic failures in the federal courts.

I have attached several documents for reference and encourage a full review of the relevant dockets, as I have worked diligently to maintain a clear and public record throughout. Unfortunately, the Sixth Circuit Court of Appeals has responded to my filings by blocking my email access to the Pro Se and web clerk inboxes, as well as to all judges. This action was allegedly taken due to an "abuse of process," though I was merely raising specific, credible concerns about judicial misconduct. The appeal remains pending, and I had formally requested expedited review in light of ongoing due process violations and conflicts of interest.

The courts and opposing counsel — particularly attorney Paige Waldrop Mills of Bass, Berry & Sims PLC — have repeatedly made serious and unfounded public allegations against me. These include a claim that I fraudulently opened a credit card in her and her husband's name and accrued over $30,000 in unauthorized charges. I have also been falsely accused of cyberstalking, surveillance, computer hacking, mail tampering, and other misconduct — all of which have been introduced into the public court record without any criminal complaint, warrant, investigation, or supporting evidence. I have never been contacted by law enforcement about these claims.

These baseless accusations have significantly harmed my reputation and added to the retaliatory nature of the civil litigation. I have submitted multiple formal tips and supporting materials to the FBI, the DOJ (including the Civil Rights, Criminal, and Antitrust Divisions), and the SEC, documenting both the retaliatory behavior and the broader legal misconduct tied to my whistleblower reports involving Mid-America Apartment Communities (MAA).

I. Identity and Procedural Posture

My name is Dennis Michael Philipson, and I am a pro se federal litigant and Virginia resident involved in the following cases:

- **Case No. 2:23-cv-02186**, *Mid-America Apartment Communities, Inc. v. Philipson*, U.S. District Court – Western District of Tennessee;
- **Appeal No. 24-6082**, filed December 3, 2024, in the Sixth Circuit Court of Appeals (currently pending);
- **Appeal No. 24-5614**, filed July 9, 2024, in the Sixth Circuit (dismissed without review);
- A Judicial Misconduct Complaint submitted to the Sixth Circuit Circuit Executive (also dismissed without review).

II. Threat of Enforcement Without Criminal Basis or Jurisdiction

On April 22, 2025, Michael Kapellas, Judicial Law Clerk to Chief Judge Sheryl H. Lipman, issued an order compelling my appearance at a May 9, 2025 Show Cause Hearing and explicitly threatening enforcement through U.S. Marshals if I do not comply.

This is deeply troubling given that:

- I am a civil litigant, not a criminal defendant;
- No warrant has been issued, and no criminal charges or indictment exist;
- The matters raised in the contempt motion are already under appellate review (Case No. 24-6082), and thus fall within the jurisdiction of the Sixth Circuit per *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982);
- My attempts to raise these jurisdictional and due process issues through the Sixth Circuit and its Judicial Council have been dismissed without substantive review.

This process appears to be an effort to punish protected legal advocacy, silence whistleblowing, and sidestep judicial accountability through coercive means.

II. My Willingness to Cooperate Lawfully and Constitutionally

I am not refusing lawful process and have no criminal history, aside from minor traffic infractions many years ago. Should any court seek to enforce a contempt-related action through U.S. Marshals, I am prepared to turn myself in voluntarily, provided that the following conditions are met:

- I be afforded a Rule 5(c)(3) hearing prior to any removal from my home district;
- That all referenced filings, including those attached, be reviewed;
- That I be allowed to assert defenses involving jurisdictional overreach, due process violations, ADA noncompliance, and judicial misconduct;
- That the matter be assessed based not on punitive assumptions, but as a legitimate constitutional dispute already before the appellate courts.

IV. Request for Oversight, Not Evasion

If any enforcement or detention effort is initiated, I respectfully request that your office act with full understanding of the following:

- This is a civil matter, not a criminal one;
- The enforcement effort is based on contested and jurisdictionally improper orders;
- The Protective Statement has already been submitted to the Eastern District of Virginia, where I reside, pending acceptance due to evening filing.
- The relevant filings include:
  - April 22, 2025 Contempt Order and May 9 Hearing Setting Letter;
  - April 23, 2025 Objection and Refusal to Participate Filing (ECF No. 163);
  - January 16, 2025 Appellate Brief and March 19, 2025 Emergency Motion;
  - Documentation of undisclosed conflicts of interest, including the fact that Michael Kapellas, author of multiple adverse orders, previously worked for the Plaintiff's law firm (Bass, Berry & Sims), a fact only discovered through metadata and never disclosed by the Court;
  - Whistleblower filings to the SEC and DOJ regarding MAA.

V. Conclusion

I respectfully ask that this message and its supporting materials be forwarded to the appropriate personnel in the Eastern District of Virginia, and that any questions or concerns be directed to me using the contact information below.

I am willing to appear before a magistrate, assert my rights, and explain this entire situation in a lawful forum. But I also request that no law enforcement body be asked to enforce a procedurally unsound and retaliatory civil order without full judicial review and due process.

Thank you for your attention.

Sincerely,
Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184
Dated: April 23, 2025

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 8:03 PM
Subject: Pro Se Filing – Protective Statement for the Record
To: <vaed_clerksoffice@vaed.uscourts.gov.trackapp.io>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Dear Clerk of Court,

I am a pro se litigant residing in Alexandria, VA, and I am preparing to file a **Protective Statement** related to federal proceedings in another jurisdiction (Western District of Tennessee, Case No. 2:23-cv-02186-SHL). The purpose of the filing is to preserve a record and notify this Court of potential unconstitutional cross-state enforcement in a civil matter currently under appeal (Sixth Circuit Case No. 24-6082).

I plan to submit this filing in person or electronically **tomorrow**, and I wanted to notify your office in advance. As a pro se litigant, I will be reviewing the Court's local rules and forms, but I would greatly appreciate any guidance, forms, or resources that might help facilitate proper formatting or docketing.

Thank you in advance for your time and assistance.

Sincerely,
Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025, 7:16 PM
Subject: Filing of Protective Statement in Eastern District of Virginia – Ongoing Judicial Misconduct and Retaliatory Enforcement (Case No. 2:23-cv-02186-SHL / 24-6082)

To all addressed:

This is to formally notify the Sixth Circuit Court of Appeals, the Judicial Council, court staff, and judges of the Western District of Tennessee that I have submitted a Protective Statement to the U.S. District Court for the Eastern District of Virginia in response to the continuing abuse of judicial authority in Case No. 2:23-cv-02186-SHL, including the threat of arrest for failing to appear at a retaliatory and unlawful May 9 hearing.

As previously stated on the record in my April 23, 2025 filing (ECF No. 163), I will not attend the May 9 hearing. This proceeding is unconstitutional, jurisdictionally improper under Griggs v. Provident, and further exemplifies the systemic failures and misconduct I have detailed in:

My appellate brief;

Emergency motion (March 19, 2025);

SEC and DOJ whistleblower disclosures;

Judicial conflict documentation involving Michael Kapellas and Bass, Berry & Sims.

This Protective Statement in Virginia is submitted as a lawful safeguard in anticipation of any improper use of federal enforcement to silence protected speech, retaliate against whistleblowing, or obstruct appellate review. I have no criminal charges and no history warranting detention.

Your ongoing inaction is part of the abuse. I will continue to document it accordingly.

Dennis Michael Philipson
Pro Se Appellant
MikeyDPhilips@gmail.com
(949) 432-6184
6178 Castletown Way
Alexandria, VA 22310

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

PROTECTIVE STATEMENT AND NOTICE OF CONSTITUTIONAL CHALLENGE TO OUT-OF-STATE ENFORCEMENT OF CIVIL CONTEMPT PROCEEDINGS ORIGINATING IN THE WESTERN DISTRICT OF TENNESSEE

Dennis Michael Philipson, appearing pro se and residing in the Eastern District of Virginia, respectfully submits this Protective Statement in anticipation of any attempted arrest, detention, or transfer stemming from proceedings pending before the United States District Court for the Western District of Tennessee, which has recently threatened civil contempt enforcement despite ongoing appellate jurisdiction and clear evidence of judicial abuse and retaliation.

I. PROCEDURAL HISTORY AND PENDING LITIGATION

1. I am the named Defendant-Appellant in Mid-America Apartment Communities, Inc. v. Philipson, Case No. 2:23-cv-02186-SHL (W.D. Tenn.), with a pending appeal before the U.S. Court of Appeals for the Sixth Circuit, Case No. 24-6082.

2. The Tennessee court has escalated efforts to compel my appearance at a Show Cause Hearing scheduled for May 9, 2025 (See ECF No. 163), based on a Second Motion for Contempt (ECF No. 158). This is despite my appeal specifically challenging the scope and legality of the permanent injunction underlying the contempt allegations.

3. On April 22, 2025, the Magistrate Judge entered an Order (ECF No. 162) directing me to appear and threatening incarceration via U.S. Marshals should I fail to do so — despite the clearly civil nature of the underlying dispute and my pro se status.

4. I formally responded with an Objection, Refusal to Participate, and Response filed April 23, 2025, asserting that the hearing is unlawful, retaliatory, and procedurally invalid under both constitutional principles and the Federal Rules of Civil Procedure.

II. JURISDICTIONAL VIOLATION: GRIGGS AND RULE 62 STAY PRINCIPLES

5. The court's ongoing enforcement attempts directly violate the Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982) principle that "a notice of appeal divests the district court of jurisdiction as to any matters involved in the appeal."

6. I have also timely filed notice of appeal and supporting materials — including:

Appellant Brief (Jan. 16, 2025) detailing judicial misconduct, whistleblower retaliation, and ADA violations;

Emergency Motion for Protective Relief (Mar. 19, 2025), which has been ignored by the Sixth Circuit to date.

7. Notably, the contempt proceedings the Tennessee court seeks to enforce are based on the same injunctive orders and legal issues currently under appellate review — rendering the hearing and any enforcement actions jurisdictionally improper.

III. CONSTITUTIONAL RIGHTS AT STAKE: WHISTLEBLOWING, RETALIATION, AND DUE PROCESS

8. I am a federally protected whistleblower who has filed multiple disclosures with the Securities and Exchange Commission (SEC) and Department of Justice (DOJ), reporting serious violations by the Plaintiff, Mid-America Apartment Communities, Inc. (MAA), including:

-RealPage rent-fixing collusion;

-Accounting fraud and false press releases;

-Use of subsidiaries to conceal internal losses;

-Retaliation against protected disclosures;

-Judicial corruption involving a former Bass, Berry & Sims attorney, Michael Kapellas, who now serves as Judge Lipman's law clerk and had prior undisclosed relationships with Plaintiff's counsel.

9. I have repeatedly informed both the District Court and Sixth Circuit Judicial Council of these issues. Neither body has taken investigative or remedial action.

10. The present contempt proceeding appears designed to suppress protected speech, retaliate against appellate activity, and force my compliance through unconstitutional coercion — including threat of arrest without due process or proper review.

IV. NATURE OF THREAT AND RELIEF SOUGHT

11. The Western District of Tennessee has not yet issued a warrant, but has expressly threatened to do so. The Kapellas Order (ECF No. 162) states the Court may direct my arrest through U.S. Marshals if I fail to appear in person.

12. I reside in Alexandria, Virginia and have no criminal record. Any attempt to detain or extradite me across state lines constitutes an unlawful use of federal enforcement powers against a civil litigant, not a criminal defendant.

13. If detained within this District, I respectfully request the following relief:

Immediate access to this filing and supporting documents;

A Rule 5(c)(3) identity and removal hearing;

Review of the underlying civil nature of the matter and pending Sixth Circuit appeal;

Opportunity to assert my constitutional, jurisdictional, and statutory defenses prior to any transfer.

14. I do not seek to evade judicial process — I seek to protect my rights and safety from an abuse of judicial authority that has persisted for over two years without oversight or correction.

V. DOCUMENTS AND FACTUAL RECORD INCORPORATED BY REFERENCE

SEALED

VI. CONCLUSION

I respectfully submit this statement as a preemptive constitutional record. Should the U.S. Marshals or the Tennessee court seek to enforce an arrest based on a civil dispute, I ask that this Court exercise its jurisdiction under Rule 5, the Constitution, and basic principles of justice to ensure that no litigant is detained or removed based on retaliation, undisclosed conflicts, or unlawful contempt threats.

Respectfully submitted,
Dennis Michael Philipson
Pro Se Litigant
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184
Dated: April 23, 2025

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 5:44 PM
Subject: Fwd: Ongoing Judicial Misconduct and Procedural Violations – Sixth Circuit, Circuit Executive, and Western District of Tennessee
To: <ECF_Judge_Anderson@tnwd.uscourts.gov>,
<ECF_Judge_Fowlkes@tnwd.uscourts.gov>,
<ECF_Judge_Parker@tnwd.uscourts.gov>,
<ECF_Judge_Norris@tnwd.uscourts.gov>,
<ECF_Judge_McCalla@tnwd.uscourts.gov>,
<ECF_Judge_Mays@tnwd.uscourts.gov>,
<ECF_Judge_Breen@tnwd.uscourts.gov>,
<ECF_Judge_Pham@tnwd.uscourts.gov>,
<ECF_Judge_Claxton@tnwd.uscourts.gov>,
<ECF_Judge_York@tnwd.uscourts.gov>,
<ECF_Judge_Christoff@tnwd.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Hello Judges,

It remains unclear why the U.S. District Court for the Western District of Tennessee refuses to review the merits of this case, upload my responses to the docket, or address the serious judicial misconduct that has been repeatedly and specifically documented. Is it standard practice for this Court to disregard basic judicial norms, procedural fairness, and due process obligations?

Equally concerning is the decision by the Sixth Circuit Court of Appeals to block my access to the Pro Se inbox —apparently as a result of my efforts to raise these issues. This mirrors actions taken by Mid-America Apartment Communities (MAA), who similarly restricted my communications when I attempted to report internal misconduct. The refusal of both the District Court and the Sixth Circuit to acknowledge or act upon these disclosures continues to undermine the integrity of the judicial process.

Thank you

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 1:51 PM
Subject: Ongoing Judicial Misconduct and Procedural Violations – Sixth Circuit, Circuit Executive, and Western District of Tennessee

Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Hello again :)

This communication will be submitted to the official docket. I have also included a previously submitted briefing from January that remains unreviewed, along with an emergency motion filed in March that likewise has not received any response or adjudication.

Just to be clear — while your courts continue to threaten me with arrest, potential bench warrants, and referral to U.S. Marshals, I state unequivocally that I am willing to turn myself in if necessary and would welcome the opportunity to present this entire record to an impartial magistrate or reviewing circuit panel. I have no criminal record whatsoever, aside from minor driving infractions nearly 20 years ago, and have conducted myself throughout these proceedings with transparency, legal diligence, and in defense of constitutionally protected rights.

Meanwhile, this Court has chosen to delay the case, impose a $600,000 civil judgment, and draw out post-judgment enforcement in a way that appears calculated to prevent the Sixth Circuit from conducting meaningful appellate review. And to ensure there is no ambiguity as to who has been contacted, the following is a list of judges and judicial officers to whom I have directed repeated correspondence regarding this matter. These individuals have received clear and repeated notice of judicial misconduct, constitutional violations, and systemic abuse of process, yet have refused to act, respond, or intervene in any meaningful way..

Additionally, I must place the following on record:

Paige Waldrop Mills, counsel for Mid-America Apartment Communities and attorney at Bass, Berry & Sims PLC, has been at the center of defamatory and retaliatory allegations made against me. She falsely accused me of opening a credit card in her and her husband's name, accruing over $30,000 in debt, and engaging in cyberstalking, hacking, physical mail interference, and surveillance — all of which are categorically false and designed to retaliate against my protected whistleblower activity.

Through formal SEC whistleblower channels, I have reported Mid-America Apartment Communities (MAA) for serious legal and regulatory violations, including:

- Collusion with competitors via RealPage to artificially inflate rents — backed by documents I submitted to the SEC and DOJ;
- Use of subsidiaries to fabricate reimbursements and absorb internal liabilities;
- Misrepresentation of financials, including false press releases and earnings statements;
- Self-dealing, invoice fraud, and internal computer intrusions;
- And obstruction of justice, retaliation against reporting, and EEOC violations.

I am also a pro se litigant with a federally recognized disability, and this Court has repeatedly denied my requests for reasonable accommodations under the ADA. These denials constitute violations of federal law and further deprive me of meaningful access to the judicial process.

This litigation has included a pattern of intimidation through judicial threats of arrest and contempt, even while the underlying legal issues are pending before the Sixth Circuit (Case No. 24-6082). These tactics violate the *Griggs v. Provident* principle and reflect a willful abuse of power by the District Court in an attempt to coerce submission.

This case has been materially influenced — if not directly controlled — by Michael Kapellas, law clerk to Judge Sheryl H. Lipman, who is also a member of the Sixth Circuit Judicial Council. Mr. Kapellas is a former colleague of Plaintiff's counsel and worked directly with John Golwen at Bass, Berry & Sims. This conflict was never disclosed by the Court and was uncovered by me through metadata after seven months of litigation.

Mr. Kapellas' name remains on Bass, Berry & Sims' website, and his role in chambers fundamentally compromised the neutrality of all rulings in this case. Despite multiple filings raising this issue, neither the District Court nor the Sixth Circuit has taken any action.

I have also made repeated disclosures through MAA's SEC-mandated whistleblower hotline, including to:

- Leslie Wolfgang, MAA's designated Ethics and Compliance Officer,
- And executives including Amber Fairbanks, Tim Argo, Eric Bolton, and others.

These individuals are fully aware of what is occurring — and their continued silence establishes knowledge and corporate complicity in this abuse of process and retaliation.

Furthermore, I have been denied fundamental procedural rights, including access to fair discovery, transparency in rulings, and equal opportunity to present my claims. These cumulative failures are not isolated errors — they represent a coordinated campaign of legal and institutional misconduct.

If this Court — and the Sixth Circuit more broadly — continues to ignore these violations, it becomes a willing participant in what is now a documented case of judicial fraud, institutional retaliation, and systemic abuse.

The record is extensive. The misconduct is undeniable. The refusal to act is now part of the abuse.

SIXTH CIRCUIT – JUDGES & COURT OFFICERS

Chief Judge Jeffrey S. Sutton
jeffrey .sutton@ca6 .uscourts .gov
jeffrey_sutton@ca6 .uscourts .gov
honorable_jeffrey_sutton@ca6 .uscourts .gov

Judge Karen Nelson Moore
karen .moore@ca6 .uscourts .gov
karen_moore@ca6 .uscourts .gov

Judge Eric L. Clay
eric .clay@ca6 .uscourts .gov
eric_clay@ca6 .uscourts .gov

Judge Richard Griffin
richard .griffin@ca6 .uscourts .gov
richard_griffin@ca6 .uscourts .gov

Judge Raymond Kethledge
raymond .kethledge@ca6 .uscourts .gov
raymond_kethledge@ca6 .uscourts .gov

Judge Jane B. Stranch
jane .stranch@ca6 .uscourts .gov
jane_stranch@ca6 .uscourts .gov

Judge Amul Thapar
amul .thapar@ca6 .uscourts .gov
amul_thapar@ca6 .uscourts .gov

Judge John K. Bush
john .bush@ca6 .uscourts .gov
john_bush@ca6 .uscourts .gov

Judge Joan Larsen
joan .larsen@ca6 .uscourts .gov
joan_larsen@ca6 .uscourts .gov

Judge John B. Nalbandian
john .nalbandian@ca6 .uscourts .gov
john_nalbandian@ca6 .uscourts .gov

Judge Chad A. Readler
chad .readler@ca6 .uscourts .gov
chad_readler@ca6 .uscourts .gov

Judge Eric E. Murphy
eric .murphy@ca6 .uscourts .gov
eric_murphy@ca6 .uscourts .gov

Judge Stephanie D. Davis
stephanie .davis@ca6 .uscourts .gov
stephanie_davis@ca6 .uscourts .gov

Judge Andre B. Mathis
andre .mathis@ca6 .uscourts .gov
andre_mathis@ca6 .uscourts .gov

Judge Rachel Bloomekatz
rachel .bloomekatz@ca6 .uscourts .gov
rachel_bloomekatz@ca6 .uscourts .gov

Judge Kevin G. Ritz
kevin .ritz@ca6 .uscourts .gov
kevin_ritz@ca6 .uscourts .gov
Former Assistant U.S. Attorney and senior federal prosecutor with the U.S. Department of Justice, who was asked about this matter while employed at DOJ, as confirmed through a FOIA request.

SIXTH CIRCUIT – COURT STAFF

Roy Ford (Case Manager)
roy .ford@ca6 .uscourts .gov
roy_ford@ca6 .uscourts .gov

Mandy Shoemaker (Mediator)
mandy .shoemaker@ca6 .uscourts .gov
mandy_shoemaker@ca6 .uscourts .gov

Kelly Stephens (Clerk of Court)
kelly .stephens@ca6 .uscourts .gov
kelly_stephens@ca6 .uscourts .gov

Pro Se Docketing
ca06_pro_se_efiling@ca6 .uscourts .gov

WESTERN DISTRICT OF TENNESSEE – JUDGES

Chief Judge Sheryl H. Lipman
ecf_judge_lipman@tnwd .uscourts .gov

Judge S. Thomas Anderson
s .thomas .anderson@tnwd .uscourts .gov
s_thomas_anderson@tnwd .uscourts .gov

Judge Thomas L. Parker
thomas .parker@tnwd .uscourts .gov
thomas_parker@tnwd .uscourts .gov

Judge Mark Norris
mark .norris@tnwd .uscourts .gov
mark_norris@tnwd .uscourts .gov

Judge Jon P. McCalla
jon .mccalla@tnwd .uscourts .gov
jon_mccalla@tnwd .uscourts .gov

Judge Samuel H. Mays, Jr.
samuel .mays@tnwd .uscourts .gov
samuel_mays@tnwd .uscourts .gov

Judge Daniel Breen
daniel .breen@tnwd .uscourts .gov
daniel_breen@tnwd .uscourts .gov

Judge John T. Fowlkes, Jr.
john .fowlkes@tnwd .uscourts .gov
john_fowlkes@tnwd .uscourts .gov

WESTERN DISTRICT – COURT STAFF

Melanie Mullen (Case Manager to Judge Lipman)
melanie_mullen@tnwd .uscourts .gov

Michael Kapellas (Judicial Law Clerk)
michael_kapellas@tnwd .uscourts .gov
michael .kapellas@tnwd .uscourts .gov

CLERK'S OFFICE – WESTERN DISTRICT

intake@tnwd .uscourts .gov
tnwd_intake@tnwd .uscourts .gov

PLAINTIFF'S ATTORNEYS – BASS, BERRY & SIMS PLC

Paige Waldrop Mills
pmills@bassberry .com

Theresa McClanahan (Assistant to Mills)
tmcclanahan@bassberry .com

John Golwen
jgolwen@bassberry .com

Jordan Thomas
jordan .thomas@bassberry .com

Kris Williams
kris .williams@bassberry .com

Dennis Michael Philipson
Pro Se Appellant
MikeyDPhilips@gmail.com
(949) 432-6184
6178 Castletown Way
Alexandria, VA 22310

---------- 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_efiling@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>, <tmcclanahan@bassberry.com>
Cc: MikeyDPhilips <mikeydphilips@gmail.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

---

6 attachments

04-22-25 - NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22_ 2025.pdf
156K

04-22-25 - 223-cv-02186 - RESPONSE TO ORDER COMPELLING APPEARANCE _ECF NO. 162_.pdf
120K

04-23-25 - Protective Statement Draft.pdf
146K

01-16-25 - Appellant Briefing.pdf
274K

03-19-25 - Emergency Motion.pdf
259K

04-22-25 Kapellas Order.pdf
174K

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

PROTECTIVE STATEMENT AND NOTICE OF SYSTEMIC DUE PROCESS VIOLATIONS, JUDICIAL MISCONDUCT, AND UNLAWFUL JURISDICTIONAL OVERREACH IN CASES ORIGINATING FROM THE WESTERN DISTRICT OF TENNESSEE AND PENDING BEFORE THE SIXTH CIRCUIT COURT OF APPEALS

To the Clerk and Assigned Magistrate Judge:

I, **Dennis Michael Philipson**, pro se litigant and appellant in multiple related federal cases originating from the Western District of Tennessee and currently under appellate jurisdiction of the Sixth Circuit Court of Appeals, respectfully file this **Protective Statement** with your Court to place on the record the following grave constitutional, statutory, and procedural issues.

I. Basis for Protective Filing

This Protective Statement is filed in light of recent communications and orders issued by the U.S. District Court for the Western District of Tennessee (Case No. 2:23-cv-02186) that appear to threaten the issuance of a bench warrant and potential enforcement by U.S. Marshals — despite ongoing appellate review (Case No. 24-6082) and a formal record of refusal to appear filed as part of my objection to an unlawful hearing setting.

My intent is not to evade lawful authority but to challenge its misuse. I make clear that I am fully willing to appear voluntarily before a neutral and lawfully authorized magistrate, provided that my constitutional rights — including to a fair hearing, due process, and protection under the ADA — are respected.

II. Appellate Jurisdiction Bars District Court Enforcement

The contempt proceedings and threatened enforcement actions in the district court **violate the jurisdictional bar established in Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982)**. The district court is actively trying to compel my appearance for matters **squarely pending appellate review**, a tactic that is not only jurisdictionally improper but **retaliatory** in nature.

III. Record of Procedural Misconduct and Judicial Abuse

Attached materials — including the March 2025 Emergency Motion, January 2025 Appellate Brief, and multiple notices of judicial misconduct — establish the following:

- **Conflict of interest** involving Judge Lipman's law clerk, Michael Kapellas, and opposing counsel (Bass, Berry & Sims), who continued drafting orders in this case while undisclosed ties persisted.

- **ADA violations**, with no ruling or accommodation granted after formal requests filed since December 2024.
- **Retaliatory use of litigation** by Mid-America Apartment Communities, Inc. (MAA), including false criminal allegations and procedural sabotage to suppress my protected whistleblower disclosures under federal antitrust and securities law.
- **Misuse of contempt proceedings**, intended not to enforce legitimate judicial compliance but to punish constitutionally protected speech and reporting.

IV. Prior Appeals and Dismissals Without Review

- Sixth Circuit Case No. 24-5614 (filed July 2024, dismissed September 2024 without substantive review).
- Sixth Circuit Case No. 24-6082 (filed December 2024, fully briefed but ignored).
- Judicial misconduct complaint to the Circuit Executive dismissed without investigation or acknowledgement of facts.

V. Good Faith and Legal Standing

I am a whistleblower with documented disabilities. I have consistently acted in good faith, sought judicial review through appropriate legal channels, and communicated directly with court officers, opposing counsel, and administrative bodies. Yet the systemic disregard for my filings and the increasing threat of punitive enforcement demand protective action by a new, impartial court.

VI. Relief Not Requested — Record Preservation Only

At this time, I am not seeking specific relief from this Court. Rather, I respectfully request that this statement be preserved on the record and considered in the event of any future judicial proceedings, including the possible execution of a warrant or other coercive measures originating from Western Tennessee.

VII. Willingness to Appear Before Proper Authority

I reiterate that I **will voluntarily present myself to an impartial federal magistrate** in the Eastern District of Virginia or any proper venue to explain the circumstances outlined here. I seek only fairness, constitutional integrity, and a chance to be heard.

Respectfully submitted,
Dennis Michael Philipson
Pro Se Litigant
6178 Castletown Way

Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184

Dated: April 23, 2025

WHISTLEBLOWER

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.

)
)
)
)
) 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

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
24-6082

MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff-Appellee, v. DENNIS MICHAEL PHILIPSON, Defendant-Appellant	)	NOTICE TO THE COURT

NOTICE OF SUBMISSION TO APPELLATE COURT AND REQUEST FOR ENTRY ON DISTRICT COURT RECORD REGARDING METADATA

To the Clerk of Court:

Please take notice that on April 24, 2025, I submitted to the United States Court of Appeals for the Sixth Circuit a packet of documents pertaining to metadata irregularities and authorship suppression in filings entered in this matter.

Specifically, these documents include:

- The April 22, 2025 Order (Document 162) signed by Judge Sheryl Lipman, which has been scrubbed of standard metadata identifiers;
- A contemporaneous Setting Letter (ECF No. 163) that retains full, traceable metadata;
- A forensic comparison and extraction report highlighting the inconsistencies between those two documents;
- A cover notice requesting investigation and appellate docketing of these technical discrepancies.

Because these filings directly concern record integrity and judicial authorship in this District, I am formally requesting that this packet also be uploaded to the district court docket in Case No. 2:23-cv-02186-SHL.

These documents were transmitted to the Sixth Circuit both by email and express mail and will

be part of the appellate record in Case No. 24-6082. They implicate procedural transparency under FRCP 11(b), 5(d), and Local Rules concerning filing authenticity. Their appearance on this docket is essential for preserving the full factual record.

Dated: April 24, 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 24th 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 personnel of the U.S. District Court for the Western District of Tennessee for docketing and administrative review:

Clerk's Office & Court Staff:

- Chief Judge Sheryl Lipman – ECF_Judge_Lipman@tnwd.uscourts.gov
- Clerk's Office Intake – IntakeTNWD@tnwd.uscourts.gov
- Case Manager (Judge Lipman) – Melanie Mullen – Melanie_Mullen@tnwd.uscourts.gov
- Judicial Law Clerk and frequent author of court orders – Michael Kapellas – Michael_Kapellas@tnwd.uscourts.gov
-

District Judges – Western District of Tennessee:

- ECF_Judge_Anderson@tnwd.uscourts.gov
- ECF_Judge_Fowlkes@tnwd.uscourts.gov
- ECF_Judge_Parker@tnwd.uscourts.gov
- ECF_Judge_Norris@tnwd.uscourts.gov

- ECF_Judge_McCalla@tnwd.uscourts.gov
- ECF_Judge_Mays@tnwd.uscourts.gov
- ECF_Judge_Breen@tnwd.uscourts.gov
- ECF_Judge_Pham@tnwd.uscourts.gov
- ECF_Judge_Claxton@tnwd.uscourts.gov
- ECF_Judge_York@tnwd.uscourts.gov
- ECF_Judge_Christoff@tnwd.uscourts.gov

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

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The data shown is all the metadata we could automatically extract from your file. It may be neither complete nor adequate. Metadata could have been changed or deleted in the past. Please be aware that the metadata is provided without liability.

Metadata of A - Document 162 - Order by Judge...

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Filename	A - Document 162 - Order by Judge Sheryl Lipman - ORDER DENYING AS MOOT PLAINTIFFS MOTION TO REOPEN CASE.pdf
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Filetypeextension	pdf
Mimetype	application/pdf
Pdfversion	1.6
Linearized	No
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Moddate	Thu Apr 24 22:48:03 2025 CEST
Custom Metadata	no

Metadata of A - Document 162 - Order by Judge...

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Metadata of A - Document 162 - Order by Judge...

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Encoding	WinAnsi
Embedded	true
Subset	true
Unicode	true
Object Id	34

Pdf Images

Raw Header

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Mediabox

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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 MAILING AND SUBMISSION – DOCUMENTS REVEALING METADATA TAMPERING AND RECORD INCONSISTENCIES

To the Clerk of Court:

This is formal notice that I am submitting the following documents by email on April 24, 2025 at 4:30 PM, and by express mail. These documents provide forensic and technical evidence of record sanitization and metadata manipulation in filings originating from the U.S. District Court for the Western District of Tennessee. They must be uploaded to the docket in this appellate matter to preserve the integrity of the record and support future independent oversight.

These materials are not legal argument — they are technical evidence of document manipulation affecting the authenticity and traceability of court-issued orders. This notice and all attachments are submitted in compliance with FRAP 10(a), FRAP 25, and the Fifth Amendment's due process requirements.

This pattern began shortly after I identified Michael Kapellas, former Bass, Berry & Sims PLC attorney, as the apparent author of multiple judicial orders in my filings. Since then, nearly every major order affecting enforcement, contempt, and sanctions has been sanitized — obscuring the digital trail and preventing public traceability.

ENCLOSED DOCUMENTS FOR DOCKETING – METADATA EVIDENCE AND COMPARISON

A. A - Document 162 – Order by Judge Sheryl Lipman – ORDER DENYING AS MOOT PLAINTIFF'S MOTION TO REOPEN CASE

This 13-page order issues contempt threats and sets enforcement in motion. The document is fully sanitized — there is no author field, no creator tool, no software signature, no UUID, and no metadata stream. The use of iText Core 7.2.3 is visible, but without any traceable origin or digital audit trail, suggesting post-production editing to suppress attribution.

B. B - Identifiable Metadata Wiped from Order

This technical report shows the absence of identifying metadata in Document A. Notably missing are fields such as "Author," "Creator Tool," and "Document ID" — all standard in unaltered federal filings. The report highlights that the PDF was processed using iText Core 7.2.3, but

stripped of user and origin fields, suggesting deliberate sanitization post-generation.potentially obstructive.

C. C - Setting Letter (ECF No. 163)

This one-page court-generated letter, filed within 24 hours of Document A, retains full metadata: author "Joe Warren", created using Acrobat PDFMaker 25 for Word, produced by the Administrative Office of the U.S. Courts, and embedded with timestamps, font objects, and traceable identifiers. This is standard federal metadata for authentic judicial filings.

D. D - Compare – Setting Letter – Proper Metadata

A side-by-side metadata comparison sheet illustrating the differences between Document A and Document C. It shows that only the judicial order was scrubbed of traceable fields, while other administrative filings remain fully intact — a strong indicator of inconsistent record handling, and possibly improper manipulation of official filings.

REQUEST FOR ACTION

1. Upload all four documents (A–D) to the docket of Case No. 24-6082 without delay.
2. Include this notice and the email transmission itself in the docket to preserve the chain of record.

Obscuring authorship in orders that issue contempt warnings and deny motions during an active appeal is not a procedural technicality — it is a transparency failure and a due process issue. I am submitting these filings at additional cost because the Sixth Circuit has unilaterally blocked my

use of its pro se e-filing inbox, leaving me no choice but to mail essential filings that the Court refuses to acknowledge electronically.

The record must reflect the truth — not a version stripped of accountability.

Dated this 24th 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 24TH day of April, 2025, a true and correct copy of the foregoing **NOTICE OF MAILING AND SUBMISSION – DOCUMENTS REVEALING METADATA TAMPERING AND RECORD INCONSISTENCIES** and all accompanying documents referenced therein were served via PACER and/or electronic mail on the following:

Counsel for Plaintiff:
Bass, Berry & Sims PLC
John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
Kris Williams
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (615) 742-6200 / (901) 543-5903

Paige Waldrop Mills, BPR No. 016218
Theresa McClanahan
21 Platform Way South, Suite 3500
Nashville, TN 37203

Emails:
pmills@bassberry.com, jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com, tmcclanahan@bassberry.com

A copy of this submission has also been provided to executives at Mid-America Apartment Communities (MAA) via their SEC-mandated internal whistleblower hotline and through U.S. Mail, to ensure formal notice of the ongoing misconduct and retaliation claims under federal law.

Clerk's Office and Court Staff (Western District of Tennessee):
• ecf_judge_lipman@tnwd.uscourts.gov

- michael.kapellas@tnwd.uscourts.gov
- melanie_mullen@tnwd.uscourts.gov
- intake@tnwd.uscourts.gov

Judges – U.S. District Court, Western District of Tennessee:

- ECF_Judge_Anderson@tnwd.uscourts.gov
- ECF_Judge_Fowlkes@tnwd.uscourts.gov
- ECF_Judge_Parker@tnwd.uscourts.gov
- ECF_Judge_Norris@tnwd.uscourts.gov
- ECF_Judge_McCalla@tnwd.uscourts.gov
- ECF_Judge_Mays@tnwd.uscourts.gov
- ECF_Judge_Breen@tnwd.uscourts.gov
- ECF_Judge_Pham@tnwd.uscourts.gov
- ECF_Judge_Claxton@tnwd.uscourts.gov
- ECF_Judge_York@tnwd.uscourts.gov
- ECF_Judge_Christoff@tnwd.uscourts.gov

Clerk's Office and Court Staff (Sixth Circuit Court of Appeals):

- ca06_pro_se_efiling@ca6.uscourts.gov
- roy.ford@ca6.uscourts.gov
- mandy.shoemaker@ca6.uscourts.gov
- kelly.stephens@ca6.uscourts.gov

Judges – U.S. Court of Appeals for the Sixth Circuit:

- jeffrey.sutton@ca6.uscourts.gov
- karen.moore@ca6.uscourts.gov
- eric.clay@ca6.uscourts.gov
- richard.griffin@ca6.uscourts.gov
- raymond.kethledge@ca6.uscourts.gov
- jane.stranch@ca6.uscourts.gov
- amul.thapar@ca6.uscourts.gov

- john.bush@ca6.uscourts.gov
- joan.larsen@ca6.uscourts.gov
- john.nalbandian@ca6.uscourts.gov
- chad.readler@ca6.uscourts.gov
- eric.murphy@ca6.uscourts.gov
- stephanie.davis@ca6.uscourts.gov
- andre.mathis@ca6.uscourts.gov
- rachel.bloomekatz@ca6.uscourts.gov
- kevin.ritz@ca6.uscourts.gov

Other DOJ Recipients (for record of whistleblower retaliation):

- civilrights.division@usdoj.gov
- criminal.division@usdoj.gov
- antitrust.division@usdoj.gov
- pamela.bondi@usdoj.gov
- pam.bondi@usdoj.gov
- us.marshals@usdoj.gov

/s/ Dennis Michael Philipson

Dennis Michael Philipson

METADATA2GO.com

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Metadata of C - Setting Letter

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Filetypeextension	pdf
Mimetype	application/pdf
Pdfversion	1.6
Linearized	No
Author	Joe Warren
Company	Microsoft
Createdate	2025:04:23 08:58:50-05:00
Modifydate	2025:04:24 15:48:03-05:00
Language	EN-US
Taggedpdf	Yes
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Creator	Acrobat PDFMaker 25 for Word
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Moddate	Thu Apr 24 22:48:03 2025 CEST
Custom Metadata	yes
Metadata Stream	yes
Tagged	yes
Userproperties	no
Suspects	no
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Javascript	no
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Metadata of C - Setting Letter

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

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]

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[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,

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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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
Western Division
Office of the Clerk

Wendy R. Oliver, Clerk
242 Federal Building
167 N. Main Street
Memphis, Tennessee 38103
(901) 495-1200

Deputy-in-Charge
U.S. Courthouse, Room 262
111 South Highland Avenue
Jackson, Tennessee 38301
(731) 421-9200

NOTICE OF SETTING
Before Chief Judge Sheryl H. Lipman, United States District Judge

---

April 23, 2025

RE: ***2:23-cv-02186-SHL***
Mid-America Apartment Communities, Inc. v Dennis Philipson

Dear Sir/Madam:

A **SHOW CAUSE HEARING RE ECF [158] SECOND MOTION FOR CONTEMPT FOR VIOLATING PERMANENT INJUNCTION** has been **SET** before **Chief Judge Sheryl H. Lipman** for **FRIDAY, MAY 9, 2025** at **11:00 A.M. in Courtroom No. 1, 11th floor of the Federal Building, Memphis, Tennessee.**

The parties are instructed to have present any witnesses who will be needed for this hearing.

If you have any questions, please contact the case manager at the telephone number or email address provided below.

Sincerely,
WENDY R. OLIVER, CLERK
BY: *s/Melanie Mullen*,
Case Manager for Chief Judge Sheryl H. Lipman
901-495-1255
melanie_mullen@tnwd.uscourts.gov

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

MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff,	)	
v.	)	No. 2:23-cv-2186-SHL-cgc
DENNIS MICHAEL PHILIPSON, Defendant.	)	

NOTICE OF SUBMISSION – TRACKING CONFIRMATION FOR RECORD FILINGS

To the Clerk of Court:

Please take notice that I, Dennis Michael Philipson, pro se defendant in the above-captioned matter, am hereby submitting confirmation of delivery and tracking information associated with two prior docket submissions.

As noted in previous filings, these materials were sent to the Court via UPS Next Day Air and were confirmed as delivered and signed for on April 24, 2025 at 9:58 AM by "Hayes". The express shipment included copies of the following:

- Notice for Demand of Docket Entry and Accountability, containing objections to the May 9 hearing, response to the Kapellas order, and related materials.
- Notice of Record Submission to the Sixth Circuit Court of Appeals and Duplicate Filing with this Court, including protective filings and metadata documentation.

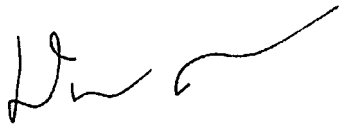
This delivery was made at considerable personal expense and was necessitated due to continued restrictions on my electronic access and failure by the Court to docket previous filings despite proper service.

Attached to this notice is the tracking confirmation, shipping label, and proof of delivery signature, which together establish receipt by the Clerk's Office.

I respectfully request that these documents be uploaded to the docket without further delay and that this notice be included in the record to document compliance and delivery.

Dated this 25 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 25th day of April, 2025, a true and correct copy of the foregoing NOTICE OF SUBMISSION – TRACKING CONFIRMATION FOR RECORD FILINGS 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:

- Clerk Judy Easley
- Melanie Mullen, Case Manager (melanie_mullen@tnwd.uscourts.gov)
- Western District of Tennessee – Clerk's Office (Memphis):

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

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

24-6082

MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff-Appellee, v. DENNIS MICHAEL PHILIPSON, Defendant-Appellant	)	DELIVERY TO THE COURT

NOTICE REGARDING RECORD SUBMISSION, ACCESS DENIAL, AND DELIVERY CONFIRMATION

To the Sixth Circuit Court of Appeals, Western TN Court and Court Employees:

I, Dennis Michael Philipson, pro se defendant in the above-captioned matter, hereby provide formal notice regarding significant procedural failures and violations of federal access and disability laws by this Court.

On April 24, 2025, I submitted multiple filings to the U.S. Court of Appeals for the Sixth Circuit (Case No. 24-6082) and, concurrently, sent identical materials via Express Mail for docketing with this Court. As of this filing, these documents—despite being properly served and confirmed delivered (signed for by "Hayes" at 9:58 a.m.)—have not been uploaded to the docket of this case.

This delay or refusal to docket is not isolated. It has occurred across multiple filings, including my formal objection to the May 9 hearing and my response to the April 22, 2025 order threatening arrest. These filings were timely submitted by email and physical mail and were legally required to be docketed under Federal Rule of Civil Procedure 5(d)(1).

Additionally, the denial of my requests for electronic access and reasonable disability accommodations violates both Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, as recognized in Tennessee v. Lane, 541 U.S. 509 (2004).

Filings Submitted and Requested for Upload:

Submission 1 – Sent to Sixth Circuit and Western District on April 23, 2025:

Title: *Notice for Demand of Docket Entry and Accountability*

Contents:

- Objection and Refusal to Participate (ECF No. 163)
- April 22–23 Setting Letter Responses and Kapellas Order analysis
- Whistleblower Notification to MAA Executives and Compliance Office
- Certificate of Service naming all served parties and court officers
- Email documenting Sixth Circuit blocking of my e-filing access
- Tracking confirmations of delivery and service

Submission 2 – Mailed April 24, 2025:

Title: *Notice of Record Submission to the Sixth Circuit Court of Appeals and Duplicate Filing with this Court*

Contents:

- Email to U.S. Marshals Service regarding improper enforcement threats
- Protective Statement sent to Eastern District of Virginia to preempt unlawful enforcement
- Expanded background on judicial misconduct, circuit executive inaction, and retaliation
- Prior filings incorporated for context (Appellate Brief, Emergency Motion, etc.)
- Full record of read receipts showing that judges and court staff received prior emails
- Express Mail tracking showing delivery on April 24, 2025

Despite these clear efforts to maintain procedural compliance, this Court continues to ignore, delay, or withhold docketing without notice or legal explanation. Meanwhile, Plaintiff's counsel has repeatedly submitted defamatory declarations and exhibits with no scrutiny or limits, further damaging my name in public record.

I respectfully request that the above filings be uploaded immediately, and that this notice be

added to the docket as evidence of the Court's ongoing administrative failure to maintain an accurate record or respect lawful procedure.

Attachments for Docket Confirmation – Sixth Circuit Filing (Case No. 24-6082)

Attachment A – Signed Proof of Delivery (04/25/2025)

Signed delivery confirmation showing that the package was delivered to the Sixth Circuit Court of Appeals at 100 E 5th St, Cincinnati, OH, and received by "HAYES" in the mail room at 9:31 AM on April 25, 2025.

Attachment B – Shipping Receipt and Package Photographs

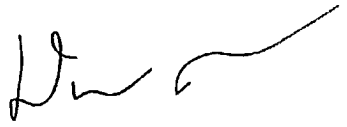
Includes the official UPS shipping receipt confirming overnight delivery, associated costs, and photographic evidence of the mailing package containing the filings submitted for docket entry.

Attachment C – UPS Tracking Confirmation (04/25/2025)

Digital tracking confirmation from UPS verifying the status, location, and timestamp of the successful delivery, with the tracking number 1ZR3R8602414314006, service listed as UPS Next Day Air®, and confirmed delivery by signature.

Dated this 25th 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 25TH day of April, 2025, a true and correct copy of the foregoing **NOTICE REGARDING RECORD SUBMISSION, ACCESS DENIAL, AND DELIVERY CONFIRMATION** and all accompanying documents referenced therein were served via PACER and/or electronic mail on the following:

Counsel for Plaintiff:

Bass, Berry & Sims PLC

John Golwen, BPR No. 014324

Jordan Thomas, BPR No. 039531

Kris Williams

100 Peabody Place, Suite 1300

Memphis, TN 38103

Tel: (615) 742-6200 / (901) 543-5903

Paige Waldrop Mills, BPR No. 016218

Theresa McClanahan

21 Platform Way South, Suite 3500

Nashville, TN 37203

Emails:

pmills@bassberry.com, jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com, tmcclanahan@bassberry.com

A copy of this submission has also been provided to executives at Mid-America Apartment Communities (MAA) via their SEC-mandated internal whistleblower hotline and through U.S. Mail, to ensure formal notice of the ongoing misconduct and retaliation claims under federal law.

Clerk's Office and Court Staff (Western District of Tennessee):

- ecf_judge_lipman@tnwd.uscourts.gov
- michael.kapellas@tnwd.uscourts.gov
- melanie_mullen@tnwd.uscourts.gov

Judges – U.S. District Court, Western District of Tennessee:

- ECF_Judge_Anderson@tnwd.uscourts.gov
- ECF_Judge_Fowlkes@tnwd.uscourts.gov
- ECF_Judge_Parker@tnwd.uscourts.gov
- ECF_Judge_Norris@tnwd.uscourts.gov
- ECF_Judge_McCalla@tnwd.uscourts.gov
- ECF_Judge_Mays@tnwd.uscourts.gov
- ECF_Judge_Breen@tnwd.uscourts.gov
- ECF_Judge_Pham@tnwd.uscourts.gov
- ECF_Judge_Claxton@tnwd.uscourts.gov
- ECF_Judge_York@tnwd.uscourts.gov
- ECF_Judge_Christoff@tnwd.uscourts.gov

Clerk's Office and Court Staff (Sixth Circuit Court of Appeals):

- ca06_pro_se_efiling@ca6.uscourts.gov
- roy.ford@ca6.uscourts.gov
- mandy.shoemaker@ca6.uscourts.gov
- kelly.stephens@ca6.uscourts.gov

Judges – U.S. Court of Appeals for the Sixth Circuit:

jeffrey_sutton@ca6.uscourts.gov,

karen_moore@ca6.uscourts.gov,

eric_clay@ca6.uscourts.gov,

richard_griffin@ca6.uscourts.gov,

raymond_kethledge@ca6.uscourts.gov,

jane_stranch@ca6.uscourts.gov,
amul_thapar@ca6.uscourts.gov,
john_bush@ca6.uscourts.gov,
joan_larsen@ca6.uscourts.gov,
john_nalbandian@ca6.uscourts.gov,
chad_readler@ca6.uscourts.gov,
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stephanie_davis@ca6.uscourts.gov,
andre_mathis@ca6.uscourts.gov,
rachel_bloomekatz@ca6.uscourts.gov,
kevin_ritz@ca6.uscourts.gov

Other DOJ Recipients (for record of whistleblower retaliation):

- civilrights.division@usdoj.gov
- criminal.division@usdoj.gov
- antitrust.division@usdoj.gov
- pamela.bondi@usdoj.gov
- pam.bondi@usdoj.gov
- us.marshals@usdoj.gov

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

Shipment Receipt: Page #1 of 1

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SHIP REF 2: - -

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SHIPMENT CHARGES:

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FUEL SURCHARGE	16.40
CMS PROCESSING FEE	0.22
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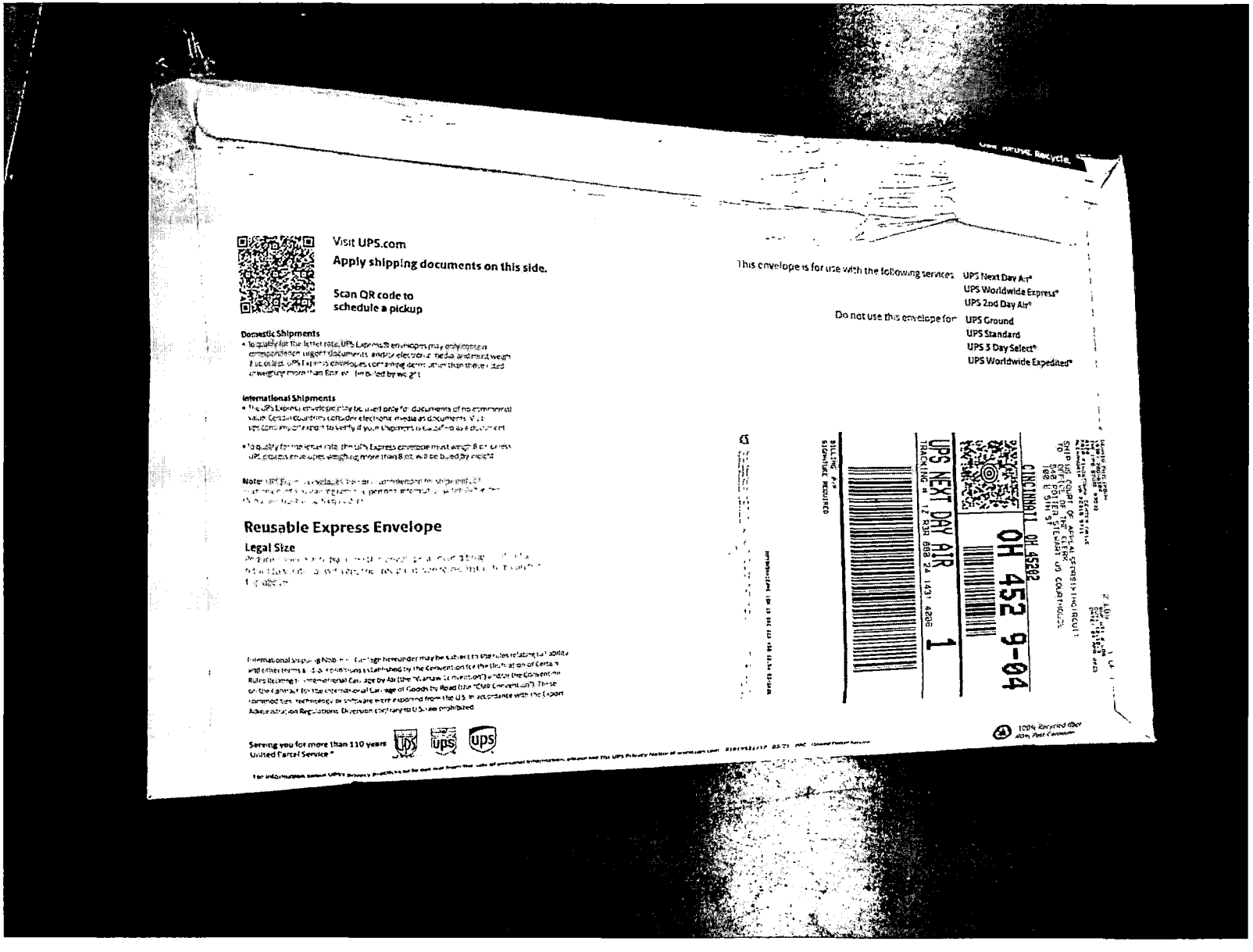
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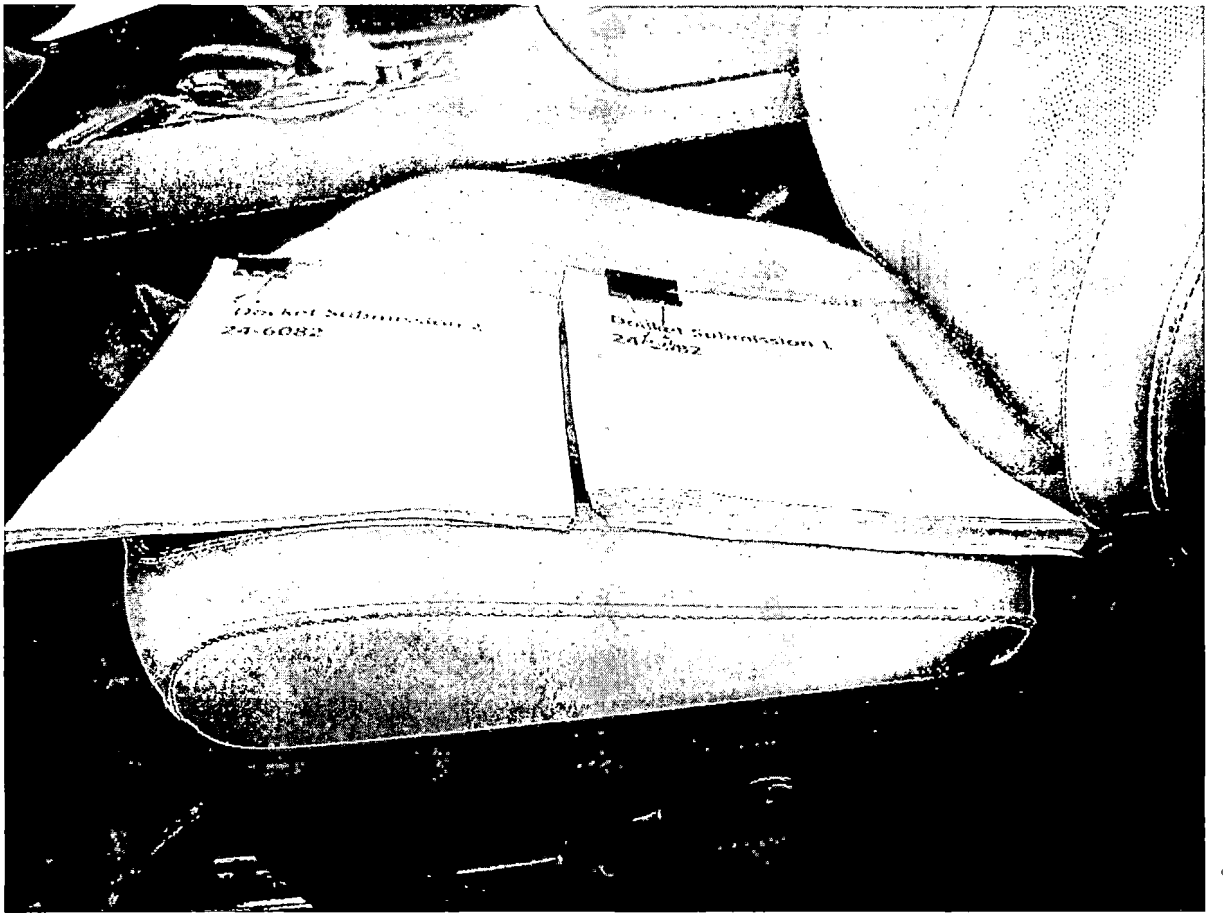
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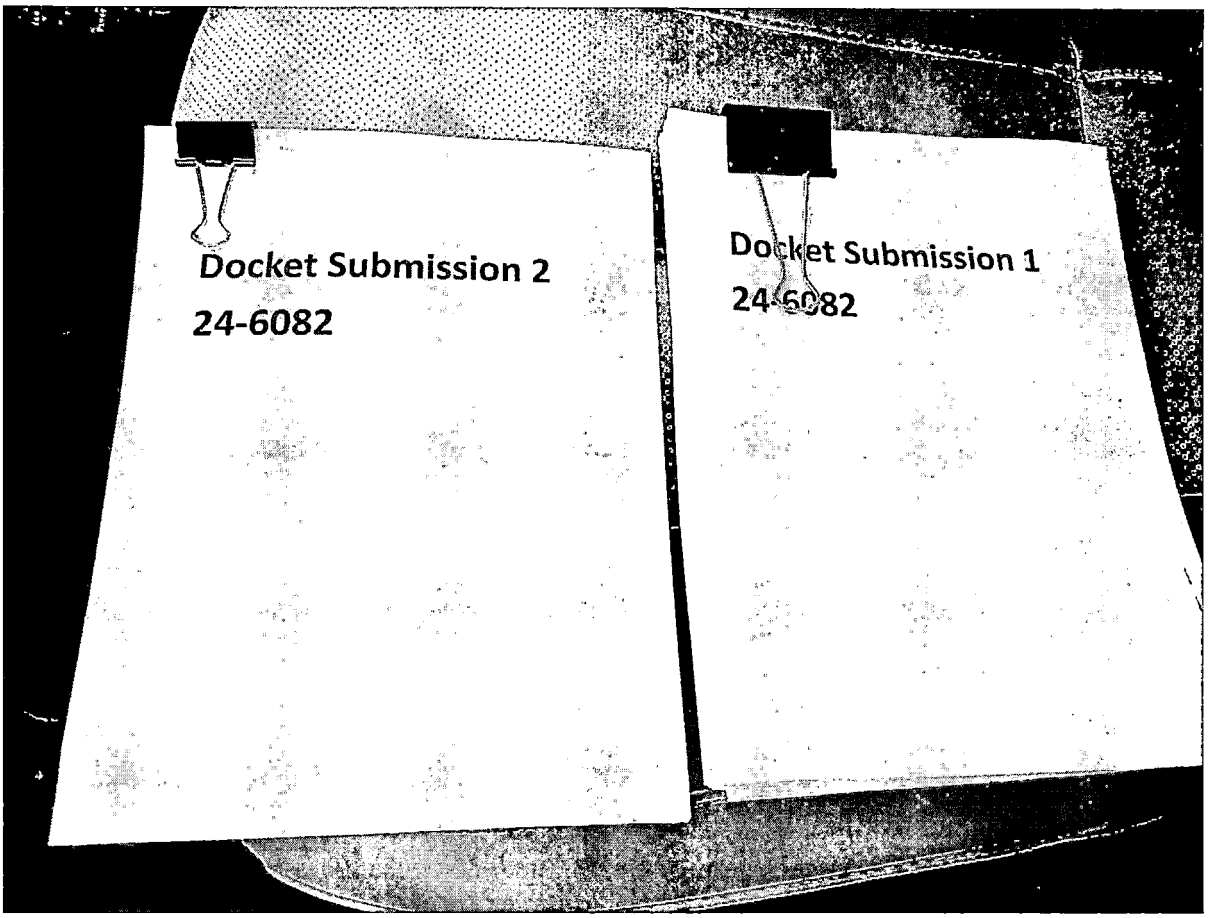
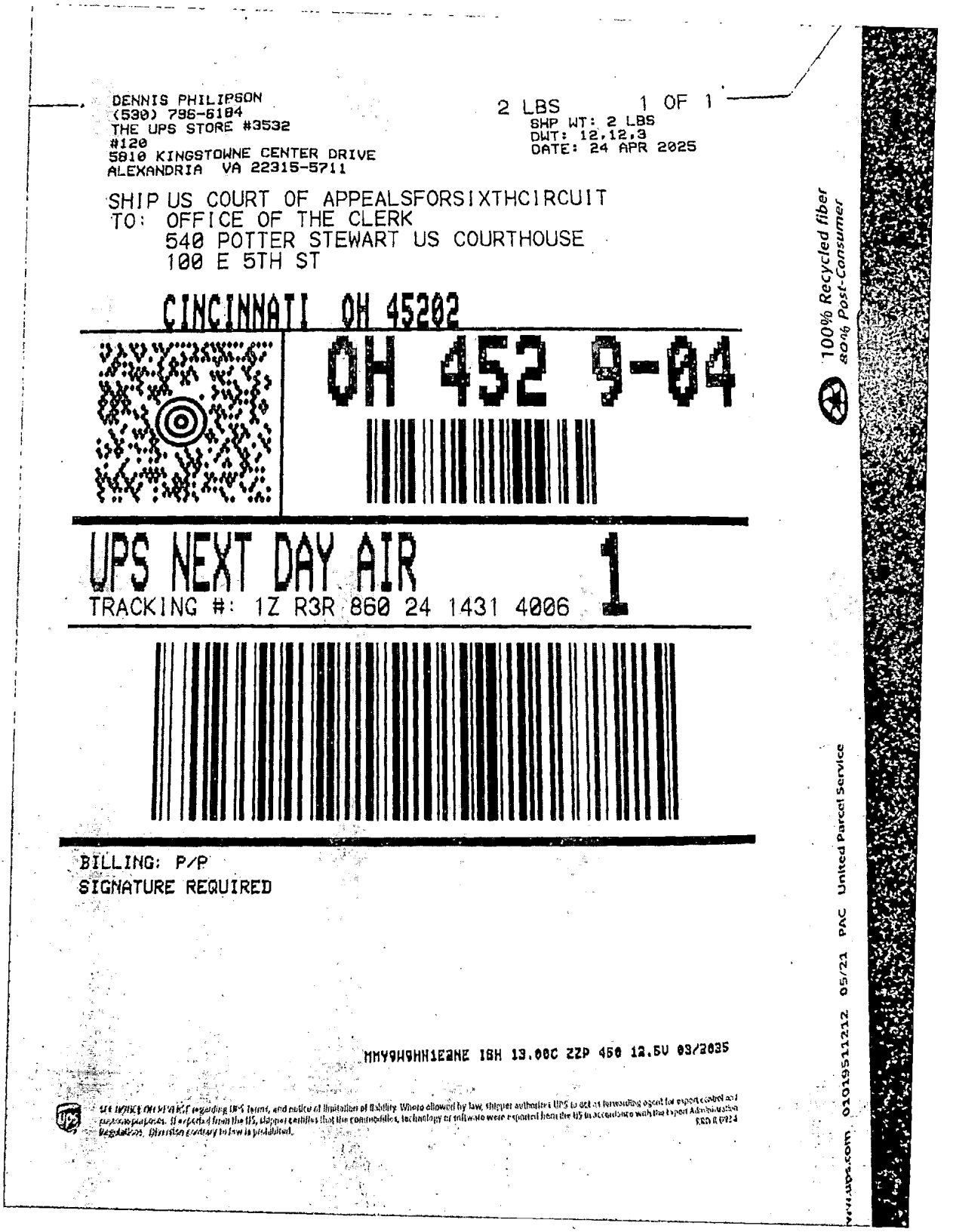

Docket Submission 2
24-6082
Docket Submission 1
24-6082



DENNIS PHILIPSON
(530) 796-6184
THE UPS STORE #3532
#120
5810 KINGSTOWNE CENTER DRIVE
ALEXANDRIA VA 22315-5711

2 LBS 1 OF 1
SHP WT: 2 LBS
DWT: 12.12.3
DATE: 24 APR 2025

SHIP US COURT OF APPEALSFORSIXTHCIRCUIT
TO: OFFICE OF THE CLERK
540 POTTER STEWART US COURTHOUSE
100 E 5TH ST

CINCINNATI OH 45202

OH 452 9-04

UPS NEXT DAY AIR 1

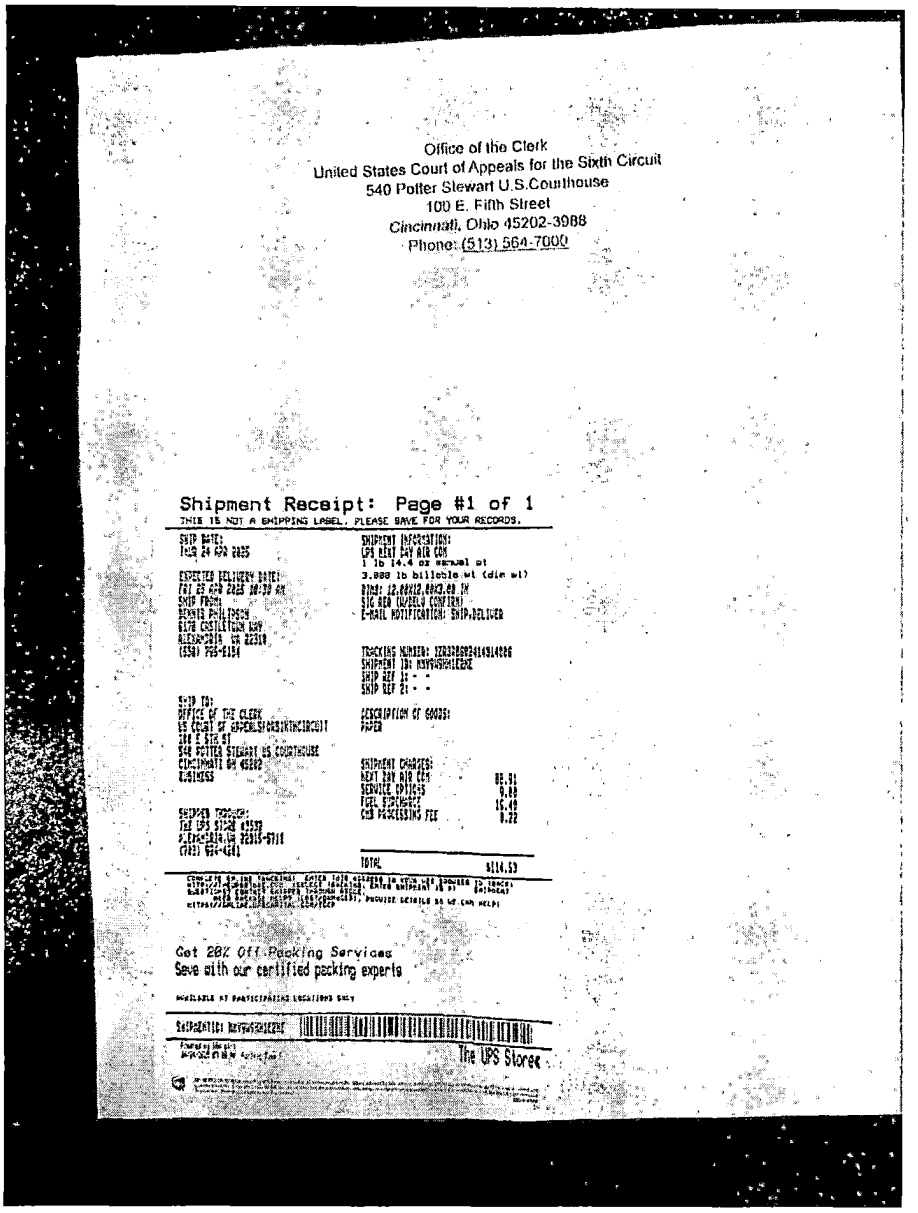
TRACKING #: 1Z R3R 860 24 1431 4006

BILLING: P/P
SIGNATURE REQUIRED

MMY9W9HH1E2NE 18H 13.00C 22P 450 12.5U 03/2035

100% Recycled fiber
80% Post-Consumer

www.ups.com 01019511212 05/21 PAC United Parcel Service



Office of the Clerk
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S.Courthouse
100 E. Fifth Street
Cincinnati, Ohio 45202-3988
Phone: (513) 564-7000

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
FROM
DENNIS PHILIPSEN
SUITE
ALEXANDRIA VA 22310
(650) 799-0184

SHIPMENT INFORMATION:
UPS NEXT DAY AIR COM
1 lb 14.4 oz manual wt
3.900 lb billable wt (dim wt)
SIG REQ (SIGNATURE CONFIRM)
E-MAIL NOTIFICATION: SHIP-DELIVER

TRACKING NUMBER:
SHIPMENT ID:
SHIP REF 1:
SHIP REF 2:

SHIP TO:
OFFICE OF THE CLERK
US COURT OF APPEALS,6THCIRCUIT
100 E 5TH ST
540 POTTER STEWART US COURTHOUSE
CINCINNATI OH 45202
BUSINESS

DESCRIPTION OF GOODS:
PAPER

SHIPMENT CHARGES:
NEXT DAY AIR COM 85.91
SERVICE OPTIONS 0.00
FUEL SURCHARGE 15.40
CWD PROCESSING FEE 0.22

SHIPPED THROUGH:
THE UPS STORE #2520
ALEXANDRIA VA 22315-6711
(703) 924-4311

TOTAL $114.53

Get 20% Off Packing Services
Save with our certified packing experts

AVAILABLE AT PARTICIPATING LOCATIONS ONLY

The UPS Store

Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1ZR3R8602414314006

Weight

1.90 LBS

Service

UPS Next Day Air®

Shipped / Billed On

04/24/2025

Additional Information

Signature Required

Delivered On

04/25/2025 9:31 A.M.

Delivered To

CINCINNATI, OH, US

Received By

HAYES

Left At

Mail Room

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/25/2025 9:58 A.M. EST

Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1ZR3R8602414314006

Weight

1.90 LBS

Service

UPS Next Day Air®

Shipped / Billed On

04/24/2025

Additional Information

Signature Required

Delivered On

04/25/2025 9:31 A.M.

Delivered To

CINCINNATI, OH, US

Received By

HAYES

Left At

Mail Room

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/25/2025 9:58 A.M. EST

ATTN : Dennis Philipson
PHONE : (530)796-6184

DELIVERY NOTIFICATION

INQUIRY FROM: US COURT OF APPEALSFORSIXTHC
OFFICE OF THE CLERK
100 E 5TH ST STE 540
CINCINNATI OH 45202

SHIPMENT TO: US COURT OF APPEALSFORSIXTHC
OFFICE OF THE CLERK
100 E 5TH ST STE 540
CINCINNATI OH 45202

Shipper Number..... **R3R860**

Tracking Identification Number... **1ZR3R8602414314006**

According to our records **1** parcel was delivered on **04/25/25** at **9:31 A.M.**, and left at **MAIL ROOM**. The shipment was received by **HAYES** as follows:

SHIPPER NUMBER	PKG ID NO.	TRACKING NUMBER	ADDRESS (NO/STREET,CITY)	SIGNATURE
R3R860		1ZR3R8602414314006	100 E 5TH ST STE 540 CINCINNATI	

XND4HKS:000A0000

Gmail

MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Docket Upload - Kapellas Meta Tampering & Demand for Docket Entry

MikeyDPhilips <mikeydphilips@gmail.com> Fri, Apr 25, 2025 at 12:13 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **Kerrie P** <Kerrie.philipson@gmail.com>
Date: Fri, Apr 25, 2025 at 11:36 AM
Subject: Docket Upload - Kapellas Meta Tampering & Demand for Docket Entry
To:<ecf_judge_lipman@tnwd.uscourts.gov>, <michael.kapellas@tnwd.uscourts.gov>, <melanie_mullen@tnwd.uscourts.gov>, <ECF_Judge_Anderson@tnwd.uscourts.gov>, <ECF_Judge_Fowlkes@tnwd.uscourts.gov>, <ECF_Judge_Parker@tnwd.uscourts.gov>, <ECF_Judge_Norris@tnwd.uscourts.gov>, <ECF_Judge_McCalla@tnwd.uscourts.gov>, <ECF_Judge_Mays@tnwd.uscourts.gov>, <ECF_Judge_Breen@tnwd.uscourts.gov>, <ECF_Judge_Pham@tnwd.uscourts.gov>, <ECF_Judge_Claxton@tnwd.uscourts.gov>, <ECF_Judge_York@tnwd.uscourts.gov>, <ECF_Judge_Christoff@tnwd.uscourts.gov>, <ca06_pro_se_efiling@ca6.uscourts.gov>, <roy.ford@ca6.uscourts.gov>, <mandy.shoemaker@ca6.uscourts.gov>, <kelly.stephens@ca6.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>, <jeffrey.sutton@ca6.uscourts.gov>, <karen_moore@ca6.uscourts.gov>, <eric_clay@ca6.uscourts.gov>, <richard_griffin@ca6.uscourts.gov>, <raymond_kethledge@ca6.uscourts.gov>, <jane_stranch@ca6.uscourts.gov>, <amul_thapar@ca6.uscourts.gov>, <john_bush@ca6.uscourts.gov>, <joan_larsen@ca6.uscourts.gov>, <john_nalbandian@ca6.uscourts.gov>, <chad_readler@ca6.uscourts.gov>, <eric_murphy@ca6.uscourts.gov>, <stephanie_davis@ca6.uscourts.gov>, <andre_mathis@ca6.uscourts.gov>, <rachel_bloomekatz@ca6.uscourts.gov>, <kevin_ritz@ca6.uscourts.gov>, <roy_ford@ca6.uscourts.gov>, <jgolwen@bassberry.com>, <pmills@bassberry.com>, <jordan.thomas@bassberry.com>, <kris.williams@bassberry.com>, <tmcclanahan@bassberry.com>, <michael_kapellas@tnwd.uscourts.gov>

Dear Clerk’s Office,

My husband can also email the individual web clerks directly, if that is the preferred method.

Please find attached the tracking label and signed delivery confirmation for two formal docket submissions in Case No. 24-6082, *Mid-America Apartment Communities, Inc. v. Dennis Philipson*. These filings were sent via UPS Next Day Air® and received by an individual identified as "HAYES" at 9:31 AM this morning, April 25, 2025. Supporting documentation includes:

- **Attachment A** – Signed Proof of Delivery
- **Attachment B** – Shipping Receipt and Photographic Evidence of Mailing
- **Attachment C** – Tracking Confirmation

Submission 1 – Mailed April 23, 2025
Title: *Notice for Demand of Docket Entry and Accountability*

Submission 2 – Mailed April 24, 2025
Title: *Notice of Mailing and Submission – Documents Revealing Metadata Tampering and Record Inconsistencies* (Substantial more information is uploaded to the dockets).

As you are aware, Mr. Dennis Michael Philipson has been blocked from electronically filing with this Court due to a letter issued and signed by Clerk Kelly L. Stephens, dated April 22, 2025. In that letter, the Court deemed the act of notifying judges and officials of judicial and administrative misconduct as "abuse." Based on this accusation, all emails from *mikeydphilips@gmail.com* were blocked from Sixth Circuit recipients, including the Pro Se inbox.

This restriction has caused a direct denial of access and imposed significant financial and procedural burdens on a pro se, disabled litigant attempting to preserve the record in an active appellate case. The filings sent today relate to

substantial procedural and jurisdictional violations, as previously detailed in correspondence to this Court and federal agencies.

We respectfully ask that these documents be uploaded to the docket immediately. The cost to send these filings exceeded $100, and time-sensitive review is warranted. Please acknowledge receipt and confirm docket entry.

Thank you for your attention and expedited processing.

Sincerely,
Kerrie
On behalf of Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184

9 attachments

A - 04-25-25 - Signed Proof of Delivery.pdf
23K

B - 04-25-25 - UPS Delivery.pdf
1462K

04-25-25 - NOTICE REGARDING RECORD SUBMISSION, ACCESS DENIAL, AND DELIVERY CONFIRMATION.pdf
168K

C - 04 -25 - 25 -Tracking - UPS - United States.pdf
50K

D - Compare - Setting Letter - Proper MetaData.pdf
208K

C - Setting Letter.pdf
159K

A - Document 162 - Order by Judge Sheryl Lipman - ORDER DENYING AS MOOT PLAINTIFF'S MOTION TO REOPEN CASE.pdf
174K

04-24-25 - NOTICE OF SUBMISSION TO APPELLATE COURT METADATA.pdf
111K

B - Identifiable Metadata wiped from Order.pdf
203K

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 FILING: COMMUNICATION TO U.S. DEPARTMENT OF JUSTICE AND FEDERAL OFFICIALS

Pro Se Defendant Dennis Michael Philipson hereby submits this Notice of Filing to request that the attached email correspondence be entered into the record of this matter.

On April 25 2025, I transmitted the attached message to the United States Department of Justice, including various senior officials and divisions responsible for oversight of judicial conduct, public integrity, civil rights, whistleblower protections, and ADA enforcement. The message contains material directly relevant to this litigation, including:

- A description of threats of enforcement action via the U.S. Marshals Service based on constitutionally protected filings;
- A request for review of ongoing judicial misconduct, ADA violations, and retaliatory litigation practices;
- Notice that the message was also transmitted to judges, attorneys of record, and through Mid-America Apartment Communities' SEC-mandated internal whistleblower system;
- A statement clarifying my intent to speak with federal law enforcement and DOJ representatives directly.

This submission is made to ensure that the Court's record reflects my ongoing efforts to escalate these serious issues to the appropriate federal oversight bodies, and to protect my rights as a whistleblower, disabled litigant, and pro se party facing documented retaliation.

A copy of the transmitted message is attached hereto as Exhibit A.

Dated this 25 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 25TH day of April, 2025, a true and correct copy of the foregoing **NOTICE OF FILING: COMMUNICATION TO U.S. DEPARTMENT OF JUSTICE AND FEDERAL OFFICIALS** and all accompanying documents referenced therein were served via PACER and/or electronic mail on the following:

Counsel for Plaintiff:
Bass, Berry & Sims PLC
John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
Kris Williams
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (615) 742-6200 / (901) 543-5903

Paige Waldrop Mills, BPR No. 016218
Theresa McClanahan
21 Platform Way South, Suite 3500
Nashville, TN 37203

Emails:
pmills@bassberry.com, jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com, tmcclanahan@bassberry.com

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

Clerk's Office and Court Staff (Western District of Tennessee):
• ecf_judge_lipman@tnwd.uscourts.gov
• michael.kapellas@tnwd.uscourts.gov
• melanie_mullen@tnwd.uscourts.gov

Judges – U.S. District Court, Western District of Tennessee:
• ECF_Judge_Anderson@tnwd.uscourts.gov
• ECF_Judge_Fowlkes@tnwd.uscourts.gov
• ECF_Judge_Parker@tnwd.uscourts.gov
• ECF_Judge_Norris@tnwd.uscourts.gov
• ECF_Judge_McCalla@tnwd.uscourts.gov
• ECF_Judge_Mays@tnwd.uscourts.gov
• ECF_Judge_Breen@tnwd.uscourts.gov
• ECF_Judge_Pham@tnwd.uscourts.gov
• ECF_Judge_Claxton@tnwd.uscourts.gov
• ECF_Judge_York@tnwd.uscourts.gov
• ECF_Judge_Christoff@tnwd.uscourts.gov

Clerk's Office and Court Staff (Sixth Circuit Court of Appeals):
• ca06_pro_se_efiling@ca6.uscourts.gov
• roy.ford@ca6.uscourts.gov
• mandy.shoemaker@ca6.uscourts.gov
• kelly.stephens@ca6.uscourts.gov

Judges – U.S. Court of Appeals for the Sixth Circuit:
jeffrey_sutton@ca6.uscourts.gov,
Jeffrey.sutton@ca6.uscourts.gov,
karen_moore@ca6.uscourts.gov,
eric_clay@ca6.uscourts.gov,
richard_griffin@ca6.uscourts.gov,
raymond_kethledge@ca6.uscourts.gov,
jane_stranch@ca6.uscourts.gov,
amul_thapar@ca6.uscourts.gov,
john_bush@ca6.uscourts.gov,
joan_larsen@ca6.uscourts.gov,
john_nalbandian@ca6.uscourts.gov,
chad_readler@ca6.uscourts.gov,
eric_murphy@ca6.uscourts.gov,
stephanie_davis@ca6.uscourts.gov,
andre_mathis@ca6.uscourts.gov,
rachel_bloomekatz@ca6.uscourts.gov,
kevin_ritz@ca6.uscourts.gov

Other DOJ Recipients (for record of whistleblower retaliation):

- civilrights.division@usdoj.gov
- criminal.division@usdoj.gov
- antitrust.division@usdoj.gov
- pamela.bondi@usdoj.gov
- pam.bondi@usdoj.gov
- us.marshals@usdoj.gov

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

Gmail MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Follow-Up Regarding Judicial Misconduct Reports and Potential Referral to U.S. Marshals

MikeyDPhilips <mikeydphilips@gmail.com> Fri, Apr 25, 2025 at 2:43 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Fri, Apr 25, 2025 at 2:40 PM
Subject: Fwd: Follow-Up Regarding Judicial Misconduct Reports and Potential Referral to U.S. Marshals
To:<ecf_judge_lipman@tnwd.uscourts.gov>, <michael.kapellas@tnwd.uscourts.gov>, <melanie_mullen@tnwd.uscourts.gov>, <ECF_Judge_Anderson@tnwd.uscourts.gov>, <ECF_Judge_Fowlkes@tnwd.uscourts.gov>, <ECF_Judge_Parker@tnwd.uscourts.gov>, <ECF_Judge_Norris@tnwd.uscourts.gov>, <ECF_Judge_McCalla@tnwd.uscourts.gov>, <ECF_Judge_Mays@tnwd.uscourts.gov>, <ECF_Judge_Breen@tnwd.uscourts.gov>, <ECF_Judge_Pham@tnwd.uscourts.gov>, <ECF_Judge_Claxton@tnwd.uscourts.gov>, <ECF_Judge_York@tnwd.uscourts.gov>, <ECF_Judge_Christoff@tnwd.uscourts.gov>, <ca06_pro_se_efiling@ca6.uscourts.gov>, <roy.ford@ca6.uscourts.gov>, <mandy.shoemaker@ca6.uscourts.gov>, <kelly.stephens@ca6.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>, <jeffrey.sutton@ca6.uscourts.gov>, <karen_moore@ca6.uscourts.gov>, <eric_clay@ca6.uscourts.gov>, <richard_griffin@ca6.uscourts.gov>, <raymond_kethledge@ca6.uscourts.gov>, <jane_stranch@ca6.uscourts.gov>, <amul_thapar@ca6.uscourts.gov>, <john_bush@ca6.uscourts.gov>, <joan_larsen@ca6.uscourts.gov>, <john_nalbandian@ca6.uscourts.gov>, <chad_readler@ca6.uscourts.gov>, <eric_murphy@ca6.uscourts.gov>, <stephanie_davis@ca6.uscourts.gov>, <andre_mathis@ca6.uscourts.gov>, <rachel_bloomekatz@ca6.uscourts.gov>, <kevin_ritz@ca6.uscourts.gov>, <kris.williams@bassberry.com>, <tmcclanahan@bassberry.com>, <jgolwen@bassberry.com>, <pmills@bassberry.com>, <jordan.thomas@bassberry.com>, <michael_kapellas@tnwd.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

April 25, 2025

Dear Chief Judge Sutton, Chief Judge Lipman, Judges Anderson, Fowlkes, Parker, Norris, McCalla, Mays, Breen, Pham, Claxton, York, Christoff, Moore, Clay, Griffin, Kethledge, Stranch, Thapar, Bush, Larsen, Nalbandian, Readler, Murphy, Davis, Mathis, Bloomekatz, Ritz, Clerk Kelly Stephens, Clerk Roy Ford, Clerk Mandy Shoemaker, Clerk Melanie Mullen, Judicial Law Clerk Michael Kapellas, Sixth Circuit Pro Se Clerk, and Court Personnel, Attorney Golwen, Attorney. Mills, Attorney. Thomas, Ms Williams, and Ms. McClanahan,

Hope you're having a great day.
Please see below — I'll be uploading this to the docket and visiting the U.S. Marshals on Monday.
Thank you!

Dennis

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Fri, Apr 25, 2025 at 2:32 PM
Subject: Follow-Up Regarding Judicial Misconduct Reports and Potential Referral to U.S. Marshals
To: <us.marshals@usdoj.gov>
Cc: <pamela.bondi@usdoj.gov>, <todd.blanche@usdoj.gov>, <emil.bove@usdoj.gov>, <chad.mizelle@usdoj.gov>, <dean.sauer@usdoj.gov>, <harmeet.dhillon@usdoj.gov>, <gail.slater@usdoj.gov>, <aaron.reitz@usdoj.gov>, <public.integrity@usdoj.gov>, <whistleblower.oig@usdoj.gov>, <ada.complaint@usdoj.gov>, <special.counsel@usdoj.gov>, <usatnw.civilrights@usdoj.gov>, <opr.complaints@usdoj.gov>, <eousa.foia.requests@usdoj.gov>, <antitrust.division@usdoj.gov>, <criminal.division@usdoj.gov>, <civil.rights@usdoj.gov>, <matthew.galeotti@usdoj.gov>, <keith.edelman@usdoj.gov>, <sophia.suarez@usdoj.gov>,

<antoinette.bacon@usdoj.gov>, <josh.goldfoot@usdoj.gov>, <jennifer.hodge@usdoj.gov>, <hope.olds@usdoj.gov>, MikeyDPhilips <mikeydphilips@gmail.com>

To Whom It May Concern,

I recognize that this message has been sent to multiple divisions and individuals, but given the complexity of jurisdiction and the difficulty in directing detailed information to the appropriate officials — particularly within the FBI — I felt it necessary. I appreciate your patience with my persistence over the past several years, as my intent has always been to ensure that serious issues receive proper attention. I also have read receipts from several of the judges and chief judges on recent filings and correspondence, if that is helpful.

I did not know that informing the courts about potential judicial misconduct, ADA violations, or abuse of process could be construed as "abuse." If notifying the Department of Justice about these matters is similarly considered harassment or improper, I would appreciate clarity. To be transparent, I believe I have contacted the DOJ regarding related issues tied to Mid-America Apartment Communities (MAA) and judicial misconduct on several occasions over the past few years.

This message is a follow-up to my April 23, 2025 submission regarding serious concerns of judicial and administrative misconduct in the U.S. Court of Appeals for the Sixth Circuit and the U.S. District Court for the Western District of Tennessee.

In that prior message, I advised that I had been threatened with enforcement by the U.S. Marshals Service based solely on my use of court filings and constitutionally protected communications to report judicial conflicts of interest, retaliatory litigation, and due process violations. I am writing to inquire whether any referral has been made to your office or to the U.S. Marshals by either of those courts regarding my correspondence or filings.

For your reference, I have attached a letter dated April 23, 2025, from Kelly Stephens, Clerk of the Sixth Circuit. That letter includes the following:

> "Please be advised that if you continue to send abusive or harassing emails to court personnel, your communications may be referred to the United States Marshals Service or other appropriate authorities for investigation."

I respectfully ask: Is raising documented concerns about judicial misconduct, ADA accommodation denials, and retaliatory court actions now considered "abuse"? Or is that an inappropriate attempt to chill protected whistleblower activity?

Additionally, my wife filed a docket submission this morning on my behalf, and I personally overnighted a filing to the Sixth Circuit yesterday after the Court refused to accept documents electronically. I have continued to comply with all court procedures in good faith, despite repeated obstructions.

I would also respectfully request a review of the following three dockets — Sixth Circuit Case No. 24-6082, District Court Case No. 2:23-cv-02186-SHL, and District Court Case No. 2:23-mc-00048 — as they contain much of the underlying evidence, as well as the Circuit Executive's and Magistrate Judge Claxton's dismissal of judicial misconduct complaints without substantive review. I have attached my appellate briefing, which provides additional context. I remain fully available and willing to speak with any DOJ personnel at any time. For transparency, I will also forward this communication to the involved judges, opposing counsel, and through Mid-America Apartment Communities' SEC-mandated internal whistleblower reporting system. Given prior indications that certain judges may have implemented technical blocks or filters to shield themselves from receiving notice, I raise the concern of "willful blindness" — the legal doctrine under which parties deliberately avoid receiving information to claim plausible deniability.

I remain fully cooperative and willing to speak directly with DOJ officials or any member of law enforcement. If there are any questions about my filings or correspondence, I welcome the opportunity to clarify or discuss them in full.

I intend to visit the U.S. Marshals Service office for the Eastern District of Virginia on Monday, located at:

Albert V. Bryan United States Courthouse
401 Courthouse Square
Alexandria, VA 22314-5701

Please let me know if I should coordinate with anyone ahead of time or follow a specific procedure.

Thank you for your attention to these deeply concerning issues.

Sincerely,
Dennis Michael Philipson
6178 Castletown Way

Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184

Attachment: Letter from Kelly L. Stephens, Clerk of the Sixth Circuit (April 23, 2025)

---

3 attachments

01-16-25 - Appellant Briefing.pdf
274K

K - 4-23-25 - Letter From Court, Abuse of System.pdf
97K

E - Amended - EXPLANATION OF METADATA REMOVAL.pdf
211K

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

ORDER DIRECTING DEFENDANT TO CEASE IMPROPER COMMUNICATIONS WITH COURT AND ITS PERSONNEL

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.)

Since the entry of the Order, Pro Se Defendant Dennis Michael Philipson has sent a multitude of emails to the undersigned's ECF mailbox, to the ECF mailboxes of other judges in this district, to the ECF mailboxes of judges in the Sixth Circuit Court of Appeals, and directly to the email addresses of various Court personnel.[1] Many of these communications are improper under this Court's rules.

[1] Mr. Philipson, whose appeal of this case is pending before the Sixth Circuit, also filed eighteen different documents through that court's electronic filing system on April 22 and 23, 2025, prompting the Sixth Circuit to advise him that receipt of emails from his account "has been blocked for all Sixth Circuit Court of Appeals recipients, including the pro se email inbox, due to abuse." Case No. 24-6082, ECF No. 85. The Sixth Circuit Clerk informed Mr. Philipson that "[a]ny 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." Id. at 1.

To start, under the Local Rules, "[e]xcept as otherwise ordered, neither counsel nor a party to a pending action shall have contact with a judge about a matter pending before the Judge, unless there is an emergency and with reasonable notice to all counsel and unrepresented parties, orally or in open Court." LR 83.6(a). The Local Rules also provide that, "[e]xcept as may otherwise be directed by the court, neither counsel nor a party to a pending action shall discuss with law clerks or other support personnel the merits or other matters of substance relating to any pending action." LR 83.6(b). These limitations are necessary, in part, because "[b]asic to the operation of the judicial system is the principle that a court speaks through its judgments and orders." Bell v. Thompson, 545 U.S. 794, 805 (2005) (citation omitted).

Additionally, pro se parties, unless they are attorneys admitted to practice in the Western District of Tennessee, cannot file documents electronically in the Court's Electronic Case Filing ("ECF") system. See United States District Court Western District of Tennessee Electronic Case Filing Policies and Procedures Manual, ("ECF Manual") § 3.3 ("A party who is not represented by an attorney shall file papers in the traditional filing method either by personal delivery to the clerk's office or via mail.") Under the Local Rules, parties that are exempt from electronic filing, must file "the original of all pleadings and papers . . . other than proposed orders, . . . with the Clerk. The original of a proposed order shall be delivered to the Clerk for transmission to the appropriate judge." LR 5.2(a).[2]

[2] The Local Rules require parties to communicate with a Judge's ECF mailbox in certain circumstances. For instance, electronic filers must submit proposed orders for "[a]ll motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59 and 60" directly to the presiding judge's ECF mailbox. LR 7.2(a)(1)(A). Similarly, proposed scheduling orders also must be sent to the presiding judge's ECF mailbox. See LR 16.2(b)(4)(B)(ii). Mr. Philipson, who in any event is not an electronic filer to whom Local Rule 7.2(a)(1)(A) would apply, has not been submitting proposed orders or scheduling orders to the ECF mailboxes.

Through the pendency of this litigation, Mr. Philipson has sent documents via mail and email to the Clerk's office, which has uploaded those filings to the docket consistent with the procedures applicable to pro se parties without electronic filing privileges. The Court will continue do so going forward. Anything Mr. Philipson submits to the Court through the proper channels shall be placed on the docket in this case, as is his right as a litigant in this Court.

At the same time, the Court will not continue to abide Mr. Philipson's improper electronic communications to court personnel, including to the ECF mailboxes of the undersigned and the other judges in the district. If Mr. Philipson disagrees with the decisions of the Court, the proper course is to appeal them, not to express his disagreement to other judges, who all have their own caseloads. Therefore, going forward, emails to the ECF mailboxes of the judges in this district from "mikeydphilips@gmail.com," from where Mr. Philipson's most recent spate of emails has originated, will be blocked. Mr. Philipson is also directed to cease any communications with Court personnel, other than communications to the Clerk's office for the filings described above. The Court also adopts restrictions similar to those imposed upon Mr. Philipson by the Sixth Circuit due to his "abuse" of that court's electronic filing system. So, future attempts by Mr. Philipson to communicate with the Court or its personnel via email for reasons other than docket filings, whether from "mikeydphilips@gmail.com" or another email address, will be referred to the United States Marshals Service for investigation.

IT IS SO ORDERED, this 25th day of April, 2025.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

PROTECTIVE STATEMENT AND NOTICE OF SYSTEMIC DUE PROCESS VIOLATIONS, JUDICIAL MISCONDUCT, AND UNLAWFUL JURISDICTIONAL OVERREACH IN CASES ORIGINATING FROM THE WESTERN DISTRICT OF TENNESSEE AND PENDING BEFORE THE SIXTH CIRCUIT COURT OF APPEALS

To the Clerk and Assigned Magistrate Judge:

I, Dennis Michael Philipson, pro se litigant and appellant in multiple related federal cases originating from the Western District of Tennessee and currently pending before the Sixth Circuit Court of Appeals, respectfully submit this Protective Statement to formally preserve the record of constitutional, statutory, and procedural violations that now endanger my rights, access to the courts, and personal liberty.

I. Basis for Protective Filing

This Protective Statement is submitted in response to escalating threats of enforcement by the United States District Court for the Western District of Tennessee in Case No. 2:23-cv-02186, including communications and orders suggesting the imminent issuance of a bench warrant and possible execution by U.S. Marshals.

These threats are occurring despite the pending appeal before the United States Court of Appeals for the Sixth Circuit in Case No. 24-6082, which divests the district court of jurisdiction over the matters on appeal pursuant to Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982).

On April 23, 2025, I filed a formal Objection and Notice of Refusal to Appear regarding a scheduled May 9, 2025 hearing, asserting that the proceeding is jurisdictionally improper, retaliatory in nature, and procedurally invalid under binding constitutional and federal law.

The May 9 hearing is based on contempt allegations that stem from orders and issues already

subject to appellate review, and therefore lies outside the lawful reach of the district court during the pendency of the appeal.

I have attempted to challenge the unlawful exercise of judicial authority through appropriate filings and notices. However, ongoing intimidation, retaliation, and procedural misconduct have severely impaired my ability to meaningfully access the courts and protect my rights.
This Protective Statement is not intended to initiate any new claims or proceedings, but solely to preserve and document the factual record in the event of any enforcement action.

In further support of this Protective Statement, I respectfully document the following:

- **Formal Objection Filed:** I timely objected to the May 9 hearing through a properly docketed filing (ECF No. 163, W.D. Tenn.), contesting the district court's unlawful assertion of jurisdiction.
- **Pending Appeal:** The Sixth Circuit Court of Appeals has appellate jurisdiction over the very matters the district court now seeks to enforce, barring further proceedings at the district court level while the appeal remains pending.
- **Notice to DOJ and U.S. Marshals:** In an abundance of caution, I formally notified the U.S. Marshals Service and Department of Justice via emails dated April 23 and April 25, 2025, setting forth concerns regarding jurisdictional violations and constitutional risks associated with any attempted enforcement action.
- **No Criminal Charges Pending:** There are no pending criminal charges against me. No lawful basis exists for the use of criminal enforcement measures in a purely civil context arising from contested judicial orders.
- **Rule 5 Appearance Only if Compelled:** Should enforcement action be taken against me, I reserve my right to comply solely with any legally mandated initial appearances, such as under Rule 5 of the Federal Rules of Criminal Procedure, without consenting to any further proceedings, and without waiving jurisdictional, constitutional, or procedural objections.

- **Judicial Misconduct and Conflicts of Interest:** The proceedings giving rise to the present threats are tainted by undisclosed conflicts of interest involving Judge Sheryl H. Lipman's chambers, including law clerk Michael Kapellas's connections to opposing counsel (Bass, Berry & Sims PLC), and the systemic failure to provide ADA-required accommodations despite repeated formal requests since December 2024.

The cumulative record reflects that the enforcement threats are not routine or lawful, but part of a systemic pattern of judicial retaliation and procedural abuse, targeting my prior lawful communications and filings, including but not limited to:

- Lawful administrative communications and disclosures to the SEC and DOJ;
- Filings of judicial misconduct complaints regarding conflicts of interest and due process violations;
- Disability accommodation requests made to protect access to courts during contested proceedings.

Accordingly, this Protective Statement is submitted solely to preserve the record, assert my constitutional and statutory defenses, and place all relevant courts and enforcement authorities on formal notice that any action taken to arrest, detain, or forcibly remove me under these circumstances would be unlawful, unconstitutional, and subject to appropriate challenge.

II. Appellate Jurisdiction Bars District Court Enforcement

The district court's threatened enforcement actions — including the scheduling of a contempt hearing for May 9, 2025, and the potential issuance of a bench warrant — are legally barred under binding Supreme Court precedent, federal rules, and the procedural posture of related proceedings now pending before the Sixth Circuit Court of Appeals.

It is well-established that the filing of a notice of appeal divests a district court of jurisdiction over those aspects of the case involved in 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.").

At present, multiple appeals and related proceedings implicate the same underlying issues:

- Sixth Circuit Case No. 24-6082 (Filed December 2024, currently pending) — involving challenges to final rulings, injunctive orders, and contempt-related conduct;
- Sixth Circuit Case No. 24-5614 (Filed July 2024, dismissed without substantive review in September 2024) — raising significant concerns regarding due process, jurisdiction, and appellate access;
- Formal Judicial Misconduct Complaint (Filed 2024) — submitted to the Sixth Circuit Judicial Council, detailing conflicts of interest, ADA violations, and procedural irregularities; dismissed without substantive investigation.

Each of these proceedings directly implicates the legality of the district court's orders and conduct.

Under Griggs, and related precedents, the district court lacks jurisdiction to revisit, enforce, or alter any aspect of a case currently pending on appeal. See also:

- Lewis v. Alexander, 987 F.2d 392, 395 (6th Cir. 1993) ("The filing of a notice of appeal generally divests the district court of jurisdiction over the matters appealed.");
- Dayton Independent School District v. U.S. Mineral Products Co., 906 F.2d 1059, 1063 (5th Cir. 1990) (holding that once an appeal is taken, the district court cannot alter the status of the case before the appellate court).

The contempt proceedings now initiated by the district court improperly seek to compel compliance with orders and directives that are themselves the subject of an active appeal. Under established jurisdictional rules, any further district court action on these matters is void for lack of jurisdiction.

Additionally, these enforcement threats occur against a broader background of systemic procedural obstruction, including:

- Prior administrative communications and filings submitted through lawful channels;
- Unaddressed complaints of judicial conflicts of interest and ADA-based accommodation denials;
- Systematic barriers to appellate access and meaningful judicial review.

The use of contempt threats — particularly threats of detention or enforcement in a civil case where no criminal charges exist — raises serious constitutional concerns under:

- The Fifth Amendment (Due Process Clause),
- The First Amendment (right of access to courts),
- The Supremacy Clause (Article VI).

Moreover, Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8 provide for stays of enforcement pending appeal precisely to prevent jurisdictional conflicts and retaliatory enforcement tactics.

Accordingly, the district court's threatened contempt proceedings, including any issuance of a bench warrant, are procedurally defective, jurisdictionally barred, and unconstitutional.
Any further enforcement action taken by the district court or by law enforcement authorities must be regarded as unlawful interference with protected appellate rights and will be challenged accordingly through lawful means.

III. Record of Procedural Misconduct and Judicial Irregularities

The record across proceedings originating from the United States District Court for the Western District of Tennessee demonstrates a consistent and pervasive pattern of procedural irregularities, jurisdictional overreach, and denial of constitutional protections.
These irregularities include — but are not limited to — undisclosed conflicts of interest, failures to provide reasonable disability accommodations, misuse of contempt authority, and obstruction of appellate access.

This Protective Statement documents these concerns solely for the purpose of preserving the record and protecting constitutional rights should any further enforcement actions be attempted.

A. Undisclosed Conflict of Interest Between Judicial Staff and Opposing Counsel

Throughout the district court proceedings, Judge Sheryl H. Lipman's judicial law clerk, Michael Kapellas, maintained undisclosed prior associations with Bass, Berry & Sims PLC, the law firm representing the opposing party.

Evidence already submitted to judicial and administrative bodies reflected:

- Mr. Kapellas previously worked closely with attorneys now appearing in this litigation;
- His public professional affiliations remained visible during the pendency of the case;
- Orders adverse to me — including those connected to the current enforcement threats — were issued during this period.

The failure to disclose these connections raises serious concerns under Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988), which holds that even the appearance of judicial impropriety undermines due process rights.

At minimum, the circumstances here created a significant question as to impartiality and fairness.

B. Retaliatory Use of Civil Contempt Proceedings

The contempt proceedings initiated by the district court appear aimed not at enforcing neutral judicial orders, but at coercively punishing me during an ongoing appellate process.

Specifically, these proceedings arose after I filed administrative complaints and asserted jurisdictional objections.

The use of contempt authority for punitive rather than remedial purposes violates constitutional protections. See Hicks v. Feiock, 485 U.S. 624, 637 (1988).

In this context, the contempt threats function as a retaliatory mechanism against protected procedural activity.

C. Denial of Reasonable Disability Accommodations (ADA Violations)

Since at least December 2024, I have submitted multiple formal requests for reasonable accommodations under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, including accommodations related to communication needs and mental health conditions.

Despite these requests:

- No rulings have been issued on accommodation motions;
- Basic accommodations, such as procedural adjustments to hearing settings, were not considered;
- Proceedings continued without adjustment, exacerbating documented disabilities.

Such conduct is inconsistent with Title II of the ADA and the requirements articulated in Tennessee v. Lane, 541 U.S. 509 (2004), recognizing the fundamental right to access the courts.

D. Obstruction of Appellate Review and Access to Judicial Remedies

The overall course of conduct also reflects substantial interference with my ability to pursue appellate review, including:

- Initiating retaliatory enforcement during a pending appeal;
- Refusing to stay proceedings under Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8;
- Delaying docket information and access to necessary filings;
- Failing to respond to formal accommodation requests that directly impact appellate participation.

Such systemic barriers violate rights of access to courts guaranteed by the First Amendment, as recognized in Bounds v. Smith, 430 U.S. 817 (1977).

When viewed collectively, these documented issues demonstrate serious procedural defects that impaired my ability to assert constitutional, statutory, and due process rights.
This Protective Statement is filed solely to document those impairments and to preserve the record in anticipation of any future enforcement activity arising from the disputed proceedings.

IV. Prior Appeals and Related Proceedings Without Substantive Review

The procedural history of this litigation reflects significant irregularities, including the lack of substantive appellate review and the administrative dismissal of serious judicial misconduct concerns.
This section documents prior appeals and complaints for the purpose of preserving the factual record.

A. Sixth Circuit Appeal No. 24-5614 – Dismissal Without Substantive Review

In July 2024, I filed an appeal to the United States Court of Appeals for the Sixth Circuit, docketed as Case No. 24-5614, challenging adverse rulings issued by the Western District of Tennessee.
Despite compliance with all procedural filing requirements, including timely notice and preliminary submissions, the appeal was dismissed in September 2024 without a written opinion addressing the substantive issues raised, including jurisdictional challenges, ADA accommodation failures, and undisclosed conflicts of interest.

The absence of substantive review deprived me of the opportunity for meaningful appellate consideration as contemplated under Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (due process requires the opportunity to be heard "at a meaningful time and in a meaningful manner").

This dismissal is noted here not to challenge the finality of that action, but solely to document the procedural context in which subsequent events unfolded.

B. Sixth Circuit Appeal No. 24-6082 – Prolonged Inaction Despite Emergency Filings

In December 2024, I filed a second appeal, now pending as Sixth Circuit Case No. 24-6082, raising issues concerning jurisdictional authority, judicial impartiality, ADA rights, and related constitutional violations.

Despite multiple efforts to seek timely judicial attention through:

- A Motion for Reasonable Accommodation (filed December 6, 2024);
- Emergency Motions for Immediate Action (March 19, 2025, and March 24, 2025);
- Additional correspondence and status inquiries;

no substantive rulings have been issued as of the date of this Protective Statement.

Critical motions, including the request for disability accommodations necessary to meaningfully participate in the appellate process, remain unresolved, despite no opposition being filed by Appellee.

Such delays, particularly where constitutional and statutory rights are implicated, raise serious concerns under principles articulated in Barker v. Wingo, 407 U.S. 514, 530 (1972) (recognizing that undue delay in judicial proceedings can constitute an independent due process violation).

This record is preserved solely to document ongoing procedural impairments to appellate access.

C. Judicial Misconduct Complaint to Circuit Executive – Dismissed Without Substantive Consideration

In addition to the above appeals, I submitted a formal Judicial Misconduct Complaint pursuant to 28 U.S.C. §§ 351–364, detailing concerns regarding:

- Undisclosed conflicts of interest between court personnel and opposing counsel;
- Procedural due process irregularities;
- Retaliatory contempt proceedings initiated during pending appeals.

Despite providing supporting documentation, including factual submissions and exhibits, the Judicial Council dismissed the complaint without substantive investigation or acknowledgment of the factual record presented.

This dismissal is noted not to re-argue or seek reconsideration, but solely to preserve a complete record of procedural events and responses by judicial administrative bodies.

V. Exhibits Submitted in Support of Protective Statement

In further support of the factual documentation and constitutional concerns outlined herein, the following Exhibits are attached and incorporated by reference.
Each exhibit is material to preserving the record of judicial irregularities, jurisdictional impropriety, procedural deficiencies, and retaliatory conduct that have impacted these proceedings.

Exhibit List and Summaries:

Exhibit	**Title**	**Summary**
A	Order by Judge Sheryl Lipman (Doc. 162)	April 22, 2025 Order threatening contempt proceedings, issued despite pending appellate jurisdiction, and without acknowledgment of ADA accommodation requests.
B	Identifiable Metadata Wiped from Order	Forensic metadata analysis demonstrating removal of authorship metadata from Doc. 162, raising concerns about concealment of judicial authorship.
C	Setting Letter	April 23, 2025 Notice of Setting for May 9, 2025 Show Cause Hearing, reinforcing the retaliatory nature of contempt proceedings during an active appeal.
D	Metadata Comparison – Setting Letter (Proper Metadata)	Comparison showing that the Setting Letter retained complete metadata, while critical authorship metadata was stripped from the associated court order.

Exhibit	Title	Summary
E	Explanation of Metadata Removal	Amended expert report detailing the metadata removal from key judicial filings and its implications.
F	April 25, 2025 Email to U.S. Marshals	Formal notice to the U.S. Marshals Service regarding procedural and constitutional objections to enforcement actions during pending appeals.
G	April 25, 2025 Court Docket and Referral Threat	Email communications reflecting the court's handling of enforcement objections and threats of referral to the U.S. Marshals.
H	January 16, 2025 Sixth Circuit Appellate Brief	Formal Appellant's Brief outlining issues including judicial misconduct, ADA violations, and due process concerns.
J	Proposed Order for Second Motion for Contempt	Draft proposed order seeking further contempt sanctions, reinforcing concerns of retaliatory intent.
K	Sixth Circuit Clerk's Letter Blocking Email Access	April 23, 2025 letter from Sixth Circuit Clerk restricting pro se filing by email, impairing access to the court following the raising of misconduct concerns.

Cross-Referenced Materials and Administrative Notice:

In addition to the Exhibits submitted here, related supporting materials and documentation were previously submitted to the Judicial Council of the Sixth Circuit as part of a formal misconduct complaint under 28 U.S.C. §§ 351–364.

The Circuit Executive's Office has already been provided with full copies of relevant documents, including records associated with:

- **Sixth Circuit Case No. 24-5614** (appeal dismissed September 2024);

- **Sixth Circuit Case No. 24-6082** (appeal pending);
- **Western District of Tennessee Case No. 2:23-cv-02186** (underlying district court proceedings).

This Protective Statement incorporates those prior materials by reference, solely for purposes of record preservation and to ensure any future review may consider the existing administrative filings alongside the Exhibits attached here.

Authentication and Relevance:

The attached Exhibits are true and accurate reproductions of documents either filed on public court dockets, transmitted through formal court communications, or independently maintained in the undersigned's litigation records.
They are submitted solely to preserve the factual record, to substantiate the constitutional, statutory, and procedural concerns raised herein, and to assist any reviewing authority in evaluating the issues documented in this Protective Statement.

VI. Record of Efforts to Assert Rights and the Impact of Systemic Retaliation

From the outset of these proceedings, I have sought to assert my constitutional, statutory, and procedural rights.
However, these efforts have been consistently undermined by a pattern of systemic misconduct, intimidation, and retaliatory obstruction, making meaningful participation impossible under fair and lawful conditions.

A. Context of Prior Protected Communications

Prior to the escalation of these proceedings, I made lawful communications to federal authorities, including the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC), concerning corporate conduct related to Mid-America Apartment Communities, Inc. ("MAA").
These communications were made through lawful reporting channels and are protected under

applicable federal statutes, including the Sarbanes-Oxley Act, Dodd-Frank Act, and the Criminal Antitrust Anti-Retaliation Act.

This Protective Statement references those communications solely for context. I am not asserting new claims or allegations herein, nor am I seeking any new proceeding or adjudication based on them.

B. Pattern of Judicial Retaliation and Procedural Obstruction

Since the beginning of this litigation, I have faced:

- Threats of contempt and arrest during pending appellate review;
- Blocking of electronic filing access at the Sixth Circuit Court of Appeals;
- Public dissemination of unsubstantiated accusations intended to damage my credibility;
- Denial of reasonable disability accommodations.

These actions have had the predictable effect of impairing my ability to fully and fairly assert my rights, in violation of the Fifth Amendment's guarantee of due process and access to courts under Bounds v. Smith, 430 U.S. 817 (1977).

C. No Submission to Further Proceedings

I have no intention of voluntarily participating in or initiating further litigation, hearings, or administrative proceedings in relation to the matters described herein, except as may be absolutely required by law.
Specifically, should an unlawful arrest occur under civil contempt enforcement, I reserve my rights to appear solely for any required Rule 5 Initial Appearance under the Federal Rules of Criminal Procedure, without waiving any constitutional defenses or jurisdictional objections.

This Protective Statement is filed solely to:

- Preserve the record;
- Protect against unlawful or unconstitutional enforcement actions;

- Assert objections based on jurisdictional, procedural, and constitutional defects already documented.

It is not intended to create new litigation, new claims, or to voluntarily invoke any new adjudicatory processes.

VII. Good Faith Conduct

I have acted at all times in good faith, using lawful and appropriate channels to seek relief, preserve my rights, and alert authorities to systemic abuses. I have made good faith efforts to cooperate with all legal processes, while resisting unlawful or retaliatory measures

VIII. Relief Not Requested — Record Preservation Only

At this time, I do not seek affirmative relief from this Court, nor do I initiate any new claims through this Protective Statement.
I respectfully request that this filing be preserved on the docket solely as a contemporaneous record of:

- My lawful objections to improper jurisdictional actions and overreach;
- My documented efforts to notify appropriate federal enforcement bodies of serious concerns;
- My continuing efforts to protect my constitutional and statutory rights through lawful means.

This Protective Statement is submitted solely to preserve the factual record in the event of any attempted enforcement arising from the pending contempt proceedings initiated in the United States District Court for the Western District of Tennessee.
It is not intended to initiate any new litigation or request substantive judicial intervention at this time.

In addition, I note that the majority of the events, concerns, and patterns of conduct described herein have already been the subject of prior reports and communications submitted to federal agencies, including but not limited to:

- The Department of Justice (DOJ);
- The Securities and Exchange Commission (SEC);
- The Federal Trade Commission (FTC);
- The Equal Employment Opportunity Commission (EEOC);
- The U.S. Department of Housing and Urban Development (HUD).

These communications began following my departure from Mid-America Apartment Communities, Inc. ("MAA") in 2021 and have continued thereafter through appropriate lawful channels.

Should any neutral and properly authorized authority require further information, I am fully prepared and willing to explain and document these matters in substantially greater detail, consistent with constitutional protections and applicable law.

IX. Willingness to Comply with Lawful Authority

Consistent with my constitutional rights, I remain willing to comply with any legally mandated initial appearances, including any appearance required under Rule 5 of the Federal Rules of Criminal Procedure or equivalent procedures, should any enforcement action be attempted.

I do not consent to any further proceedings beyond those strictly required by law, nor do I waive any jurisdictional, constitutional, or statutory objections previously asserted.

My sole objective in submitting this Protective Statement is to:

- Preserve the factual record;
- Protect my rights against unlawful or unconstitutional enforcement actions;

- Ensure that any reviewing authority has access to contemporaneous documentation of procedural irregularities, conflicts of interest, and due process violations already reported through appropriate channels.

Statement Regarding Accuracy

The information provided in this Protective Statement is submitted based on my best understanding and recollection of events, filings, and communications as of the date of submission.
Every reasonable effort has been made to ensure the accuracy of the information presented.

This Statement has been prepared under urgent circumstances, in the context of ongoing litigation pressures and imminent enforcement threats, and without the full legal resources typically available to represented parties.

Any inadvertent errors, omissions, or inaccuracies are unintentional and are attributable solely to the necessity of acting swiftly to protect my rights.
Nothing herein is intended to mislead, misrepresent, or distort any material fact.

Dated this 25 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 25th day of April, 2025, a true and correct copy of the foregoing **PROTECTIVE STATEMENT** and all accompanying documents referenced therein were served via PACER and/or electronic mail on the following:

Counsel for Plaintiff:
Bass, Berry & Sims PLC
John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
Kris Williams
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (615) 742-6200 / (901) 543-5903

Paige Waldrop Mills, BPR No. 016218
Theresa McClanahan
21 Platform Way South, Suite 3500
Nashville, TN 37203

Emails:
pmills@bassberry.com, jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com, tmcclanahan@bassberry.com

A copy of this submission has also been provided to executives at Mid-America Apartment Communities (MAA) via their SEC-mandated internal whistleblower hotline and through U.S. Mail, to ensure formal notice of the ongoing misconduct and retaliation claims under federal law.

Clerk's Office and Court Staff (Western District of Tennessee):
ecf_judge_lipman@tnwd.uscourts.gov
• michael.kapellas@tnwd.uscourts.gov
• melanie_mullen@tnwd.uscourts.gov
• intaketnwd@tnwd.uscourts.gov

Judges – U.S. District Court, Western District of Tennessee:
• ECF_Judge_Anderson@tnwd.uscourts.gov
• ECF_Judge_Fowlkes@tnwd.uscourts.gov
• ECF_Judge_Parker@tnwd.uscourts.gov
• ECF_Judge_Norris@tnwd.uscourts.gov
• ECF_Judge_McCalla@tnwd.uscourts.gov
• ECF_Judge_Mays@tnwd.uscourts.gov
• ECF_Judge_Breen@tnwd.uscourts.gov
• ECF_Judge_Pham@tnwd.uscourts.gov

• ECF_Judge_Claxton@tnwd.uscourts.gov
• ECF_Judge_York@tnwd.uscourts.gov
• ECF_Judge_Christoff@tnwd.uscourts.gov

Clerk's Office and Court Staff (Sixth Circuit Court of Appeals):
• ca06_pro_se_efiling@ca6.uscourts.gov
• roy.ford@ca6.uscourts.gov
• mandy.shoemaker@ca6.uscourts.gov
• kelly.stephens@ca6.uscourts.gov

Judges – U.S. Court of Appeals for the Sixth Circuit:
jeffrey_sutton@ca6.uscourts.gov,
Jeffrey.sutton@ca6.uscourts.gov,
karen_moore@ca6.uscourts.gov,
eric_clay@ca6.uscourts.gov,
richard_griffin@ca6.uscourts.gov,
raymond_kethledge@ca6.uscourts.gov,
jane_stranch@ca6.uscourts.gov,
amul_thapar@ca6.uscourts.gov,
john_bush@ca6.uscourts.gov,
joan_larsen@ca6.uscourts.gov,
john_nalbandian@ca6.uscourts.gov,
chad_readler@ca6.uscourts.gov,
eric_murphy@ca6.uscourts.gov,
stephanie_davis@ca6.uscourts.gov,
andre_mathis@ca6.uscourts.gov,
rachel_bloomekatz@ca6.uscourts.gov,
kevin_ritz@ca6.uscourts.gov

In addition, courtesy copies of this Protective Statement are being provided to the following agencies and offices for the limited purpose of record preservation and notification regarding the constitutional, statutory, and procedural concerns outlined herein:

Other DOJ Recipients (for record of whistleblower retaliation and enforcement concerns):
- civilrights.division@usdoj.gov
- criminal.division@usdoj.gov
- antitrust.division@usdoj.gov
- pamela.bondi@usdoj.gov and the attorney general's office
- us.marshals@usdoj.gov

Securities and Exchange Commission:
- Submission via TCR (Tips, Complaints, and Referrals) online portal.

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

Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184

April 25, 2025

Clerk of Court
United States District Court
Eastern District of Virginia
Alexandria Division
401 Courthouse Square
Alexandria, VA 22314

Re: Submission of Protective Statement and Exhibits for Record Preservation – Miscellaneous Filing Request

To the Honorable Clerk of Court:

Enclosed for filing, please find a Protective Statement with supporting Exhibits A–K, submitted for purposes of record preservation and notice to relevant enforcement authorities, including the United States Marshals Service.

This filing is intended solely to preserve the factual record concerning procedural and constitutional issues arising from out-of-district proceedings pending before the United States District Court for the Western District of Tennessee and the United States Court of Appeals for the Sixth Circuit.
It is not intended to initiate a new civil action or request affirmative relief at this time.

I respectfully request that this Protective Statement be accepted for docketing as a Miscellaneous Matter.
I am prepared to pay any applicable miscellaneous filing fee in accordance with the Court's rules and procedures.

Please kindly confirm receipt of this submission, and if available, provide any non-legal procedural information regarding docketing or next steps.

Thank you for your time and consideration.

Respectfully submitted,

Dennis Michael Philipson
Pro Se Litigant

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

ORDER DIRECTING DEFENDANT TO CEASE IMPROPER COMMUNICATIONS WITH COURT AND ITS PERSONNEL

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.)

Since the entry of the Order, Pro Se Defendant Dennis Michael Philipson has sent a multitude of emails to the undersigned's ECF mailbox, to the ECF mailboxes of other judges in this district, to the ECF mailboxes of judges in the Sixth Circuit Court of Appeals, and directly to the email addresses of various Court personnel.[1] Many of these communications are improper under this Court's rules.

[1] Mr. Philipson, whose appeal of this case is pending before the Sixth Circuit, also filed eighteen different documents through that court's electronic filing system on April 22 and 23, 2025, prompting the Sixth Circuit to advise him that receipt of emails from his account "has been blocked for all Sixth Circuit Court of Appeals recipients, including the pro se email inbox, due to abuse." Case No. 24-6082, ECF No. 85. The Sixth Circuit Clerk informed Mr. Philipson that "[a]ny 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." Id. at 1.

To start, under the Local Rules, "[e]xcept as otherwise ordered, neither counsel nor a party to a pending action shall have contact with a judge about a matter pending before the Judge, unless there is an emergency and with reasonable notice to all counsel and unrepresented parties, orally or in open Court." LR 83.6(a). The Local Rules also provide that, "[e]xcept as may otherwise be directed by the court, neither counsel nor a party to a pending action shall discuss with law clerks or other support personnel the merits or other matters of substance relating to any pending action." LR 83.6(b). These limitations are necessary, in part, because "[b]asic to the operation of the judicial system is the principle that a court speaks through its judgments and orders." Bell v. Thompson, 545 U.S. 794, 805 (2005) (citation omitted).

Additionally, pro se parties, unless they are attorneys admitted to practice in the Western District of Tennessee, cannot file documents electronically in the Court's Electronic Case Filing ("ECF") system. See United States District Court Western District of Tennessee Electronic Case Filing Policies and Procedures Manual, ("ECF Manual") § 3.3 ("A party who is not represented by an attorney shall file papers in the traditional filing method either by personal delivery to the clerk's office or via mail.") Under the Local Rules, parties that are exempt from electronic filing, must file "the original of all pleadings and papers . . . other than proposed orders, . . . with the Clerk. The original of a proposed order shall be delivered to the Clerk for transmission to the appropriate judge." LR 5.2(a).[2]

[2] The Local Rules require parties to communicate with a Judge's ECF mailbox in certain circumstances. For instance, electronic filers must submit proposed orders for "[a]ll motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59 and 60" directly to the presiding judge's ECF mailbox. LR 7.2(a)(1)(A). Similarly, proposed scheduling orders also must be sent to the presiding judge's ECF mailbox. See LR 16.2(b)(4)(B)(ii). Mr. Philipson, who in any event is not an electronic filer to whom Local Rule 7.2(a)(1)(A) would apply, has not been submitting proposed orders or scheduling orders to the ECF mailboxes.

Through the pendency of this litigation, Mr. Philipson has sent documents via mail and email to the Clerk's office, which has uploaded those filings to the docket consistent with the procedures applicable to pro se parties without electronic filing privileges. The Court will continue do so going forward. Anything Mr. Philipson submits to the Court through the proper channels shall be placed on the docket in this case, as is his right as a litigant in this Court.

At the same time, the Court will not continue to abide Mr. Philipson's improper electronic communications to court personnel, including to the ECF mailboxes of the undersigned and the other judges in the district. If Mr. Philipson disagrees with the decisions of the Court, the proper course is to appeal them, not to express his disagreement to other judges, who all have their own caseloads. Therefore, going forward, emails to the ECF mailboxes of the judges in this district from "mikeydphilips@gmail.com," from where Mr. Philipson's most recent spate of emails has originated, will be blocked. Mr. Philipson is also directed to cease any communications with Court personnel, other than communications to the Clerk's office for the filings described above. The Court also adopts restrictions similar to those imposed upon Mr. Philipson by the Sixth Circuit due to his "abuse" of that court's electronic filing system. So, future attempts by Mr. Philipson to communicate with the Court or its personnel via email for reasons other than docket filings, whether from "mikeydphilips@gmail.com" or another email address, will be referred to the United States Marshals Service for investigation.

IT IS SO ORDERED, this 25th day of April, 2025.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

Gmail

MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Attention: U.S. Marshals – Eastern District of Virginia | Request for Notice, Forwarding, and Review of Civil Contempt Enforcement Threats Originating from W.D. Tennessee

MikeyDPhilips <mikeydphilips@gmail.com> Fri, Apr 25, 2025 at 4:10 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 8:38 PM
Subject: Attention: U.S. Marshals – Eastern District of Virginia | Request for Notice, Forwarding, and Review of Civil Contempt Enforcement Threats Originating from W.D. Tennessee
To: <ECF_Judge_Anderson@tnwd.uscourts.gov>, <ECF_Judge_Fowlkes@tnwd.uscourts.gov>, <ECF_Judge_Parker@tnwd.uscourts.gov>, <ECF_Judge_Norris@tnwd.uscourts.gov>, <ECF_Judge_McCalla@tnwd.uscourts.gov>, <ECF_Judge_Mays@tnwd.uscourts.gov>, <ECF_Judge_Breen@tnwd.uscourts.gov>, <ECF_Judge_Pham@tnwd.uscourts.gov>, <ECF_Judge_Claxton@tnwd.uscourts.gov>, <ECF_Judge_York@tnwd.uscourts.gov>, <ECF_Judge_Christoff@tnwd.uscourts.gov>, <ca06_pro_se_efiling@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>, <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>, <ecf_judge_lipman@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>, <pamela.bondi@usdoj.gov>, <pam.bondi@usdoj.cov>, <criminal.division@usdoj.gov>, <antitrust.division@usdoj.gov>, <civilrights.division@usdoj.gov>
Cc: <ecf_judge_lipman@tnwd.uscourts.gov>, <michael.kapellas@tnwd.uscourts.gov>, <jgolwen@bassberry.com>, <pmills@bassberry.com>, <jordan.thomas@bassberry.com>, <kris.williams@bassberry.com>, <tmcclanahan@bassberry.com>, <antitrust.division@usdoj.gov>, <pam.bondi@usdoj.gov>, <criminal.division@usdoj.gov>, <civilrights.division@usdoj.gov>, <pamela.bondi@usdoj.gov>, <jeffrey.sutton@ca6.uscourts.gov>, <us.marshals@usdoj.gov>
MikeyDPhilips <mikeydphilips@gmail.com>

Dear U.S. Department of Justice and U.S. Marshals Service,

I will also file this email with the courts as well.

I apologize for the late message. I recognize that there is growing concern — both publicly and within the Department of Justice — about judicial integrity and systemic failures in the federal courts.

I have attached several documents for reference and encourage a full review of the relevant dockets, as I have worked diligently to maintain a clear and public record throughout. Unfortunately, the Sixth Circuit Court of Appeals has responded to my filings by blocking my email access to the Pro Se and web clerk inboxes, as well as to all judges. This action was allegedly taken due to an "abuse of process," though I was merely raising specific, credible concerns about judicial misconduct. The appeal remains pending, and I had formally requested expedited review in light of ongoing due process violations and conflicts of interest.

The courts and opposing counsel — particularly attorney Paige Waldrop Mills of Bass, Berry & Sims PLC — have repeatedly made serious and unfounded public allegations against me. These include a claim that I fraudulently opened a credit card in her and her husband's name and accrued over $30,000 in unauthorized charges. I have also been falsely accused of cyberstalking, surveillance, computer hacking, mail tampering, and other misconduct — all of which have been introduced into the public court record without any criminal complaint, warrant, investigation, or supporting evidence. I have never been contacted by law enforcement about these claims.

These baseless accusations have significantly harmed my reputation and added to the retaliatory nature of the civil litigation. I have submitted multiple formal tips and supporting materials to the FBI, the DOJ (including the Civil Rights, Criminal, and Antitrust Divisions), and the SEC, documenting both the retaliatory behavior and the broader legal misconduct tied to my whistleblower reports involving Mid-America Apartment Communities (MAA).

I. Identity and Procedural Posture

My name is Dennis Michael Philipson, and I am a pro se federal litigant and Virginia resident involved in the following cases:

- **Case No. 2:23-cv-02186**, *Mid-America Apartment Communities, Inc. v. Philipson*, U.S. District Court – Western District of Tennessee;
- **Appeal No. 24-6082**, filed December 3, 2024, in the Sixth Circuit Court of Appeals (currently pending);
- **Appeal No. 24-5614**, filed July 9, 2024, in the Sixth Circuit (dismissed without review);
- A Judicial Misconduct Complaint submitted to the Sixth Circuit Circuit Executive (also dismissed without review).

II. Threat of Enforcement Without Criminal Basis or Jurisdiction

On April 22, 2025, Michael Kapellas, Judicial Law Clerk to Chief Judge Sheryl H. Lipman, issued an order compelling my appearance at a May 9, 2025 Show Cause Hearing and explicitly threatening enforcement through U.S. Marshals if I do not comply.

This is deeply troubling given that:

- I am a civil litigant, not a criminal defendant;
- No warrant has been issued, and no criminal charges or indictment exist;
- The matters raised in the contempt motion are already under appellate review (Case No. 24-6082), and thus fall within the jurisdiction of the Sixth Circuit per *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982);
- My attempts to raise these jurisdictional and due process issues through the Sixth Circuit and its Judicial Council have been dismissed without substantive review.

This process appears to be an effort to punish protected legal advocacy, silence whistleblowing, and sidestep judicial accountability through coercive means.

II. My Willingness to Cooperate Lawfully and Constitutionally

I am not refusing lawful process and have no criminal history, aside from minor traffic infractions many years ago. Should any court seek to enforce a contempt-related action through U.S. Marshals, I am prepared to turn myself in voluntarily, provided that the following conditions are met:

- I be afforded a Rule 5(c)(3) hearing prior to any removal from my home district;
- That all referenced filings, including those attached, be reviewed;
- That I be allowed to assert defenses involving jurisdictional overreach, due process violations, ADA noncompliance, and judicial misconduct;

- That the matter be assessed based not on punitive assumptions, but as a legitimate constitutional dispute already before the appellate courts.

IV. Request for Oversight, Not Evasion

If any enforcement or detention effort is initiated, I respectfully request that your office act with full understanding of the following:

- This is a civil matter, not a criminal one;
- The enforcement effort is based on contested and jurisdictionally improper orders;
- The Protective Statement has already been submitted to the Eastern District of Virginia, where I reside, pending acceptance due to evening filing.
- The relevant filings include:
  - April 22, 2025 Contempt Order and May 9 Hearing Setting Letter;
  - April 23, 2025 Objection and Refusal to Participate Filing (ECF No. 163);
  - January 16, 2025 Appellate Brief and March 19, 2025 Emergency Motion;
  - Documentation of undisclosed conflicts of interest, including the fact that Michael Kapellas, author of multiple adverse orders, previously worked for the Plaintiff's law firm (Bass, Berry & Sims), a fact only discovered through metadata and never disclosed by the Court;
  - Whistleblower filings to the SEC and DOJ regarding MAA.

V. Conclusion

I respectfully ask that this message and its supporting materials be forwarded to the appropriate personnel in the Eastern District of Virginia, and that any questions or concerns be directed to me using the contact information below.

I am willing to appear before a magistrate, assert my rights, and explain this entire situation in a lawful forum. But I also request that no law enforcement body be asked to enforce a procedurally unsound and retaliatory civil order without full judicial review and due process.

Thank you for your attention.

Sincerely,
Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184
Dated: April 23, 2025

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 8:03 PM
Subject: Pro Se Filing – Protective Statement for the Record
To: <vaed_clerksoffice@vaed.uscourts.gov.trackapp.io>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Dear Clerk of Court,

I am a pro se litigant residing in Alexandria, VA, and I am preparing to file a **Protective Statement** related to federal proceedings in another jurisdiction (Western District of Tennessee, Case No. 2:23-cv-02186-SHL). The purpose of the filing is to preserve a record and notify this Court of potential unconstitutional cross-state enforcement in a civil matter currently under appeal (Sixth Circuit Case No. 24-6082).

I plan to submit this filing in person or electronically **tomorrow**, and I wanted to notify your office in advance. As a pro se litigant, I will be reviewing the Court's local rules and forms, but I would greatly appreciate any guidance, forms, or

resources that might help facilitate proper formatting or docketing.

Thank you in advance for your time and assistance.

Sincerely,
Dennis Michael Philipson
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025, 7:16 PM
Subject: Filing of Protective Statement in Eastern District of Virginia – Ongoing Judicial Misconduct and Retaliatory Enforcement (Case No. 2:23-cv-02186-SHL / 24-6082)

To all addressed:

This is to formally notify the Sixth Circuit Court of Appeals, the Judicial Council, court staff, and judges of the Western District of Tennessee that I have submitted a Protective Statement to the U.S. District Court for the Eastern District of Virginia in response to the continuing abuse of judicial authority in Case No. 2:23-cv-02186-SHL, including the threat of arrest for failing to appear at a retaliatory and unlawful May 9 hearing.

As previously stated on the record in my April 23, 2025 filing (ECF No. 163), I will not attend the May 9 hearing. This proceeding is unconstitutional, jurisdictionally improper under Griggs v. Provident, and further exemplifies the systemic failures and misconduct I have detailed in:

My appellate brief;

Emergency motion (March 19, 2025);

SEC and DOJ whistleblower disclosures;

Judicial conflict documentation involving Michael Kapellas and Bass, Berry & Sims.

This Protective Statement in Virginia is submitted as a lawful safeguard in anticipation of any improper use of federal enforcement to silence protected speech, retaliate against whistleblowing, or obstruct appellate review. I have no criminal charges and no history warranting detention.

Your ongoing inaction is part of the abuse. I will continue to document it accordingly.

Dennis Michael Philipson
Pro Se Appellant
MikeyDPhilips@gmail.com
(949) 432-6184
6178 Castletown Way
Alexandria, VA 22310

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

PROTECTIVE STATEMENT AND NOTICE OF CONSTITUTIONAL CHALLENGE TO OUT-OF-STATE ENFORCEMENT OF CIVIL CONTEMPT PROCEEDINGS ORIGINATING IN THE WESTERN DISTRICT OF TENNESSEE

Dennis Michael Philipson, appearing pro se and residing in the Eastern District of Virginia, respectfully submits this Protective Statement in anticipation of any attempted arrest, detention, or transfer stemming from proceedings pending before the United States District Court for the Western District of Tennessee, which has recently threatened civil contempt enforcement despite ongoing appellate jurisdiction and clear evidence of judicial abuse and retaliation.

I. PROCEDURAL HISTORY AND PENDING LITIGATION

1. I am the named Defendant-Appellant in Mid-America Apartment Communities, Inc. v. Philipson, Case No. 2:23-cv-02186-SHL (W.D. Tenn.), with a pending appeal before the U.S. Court of Appeals for the Sixth Circuit, Case No. 24-6082.

2. The Tennessee court has escalated efforts to compel my appearance at a Show Cause Hearing scheduled for May 9, 2025 (See ECF No. 163), based on a Second Motion for Contempt (ECF No. 158). This is despite my appeal specifically challenging the scope and legality of the permanent injunction underlying the contempt allegations.

3. On April 22, 2025, the Magistrate Judge entered an Order (ECF No. 162) directing me to appear and threatening incarceration via U.S. Marshals should I fail to do so — despite the clearly civil nature of the underlying dispute and my pro se status.

4. I formally responded with an Objection, Refusal to Participate, and Response filed April 23, 2025, asserting that the hearing is unlawful, retaliatory, and procedurally invalid under both constitutional principles and the Federal Rules of Civil Procedure.

II. JURISDICTIONAL VIOLATION: GRIGGS AND RULE 62 STAY PRINCIPLES

5. The court's ongoing enforcement attempts directly violate the Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982) principle that "a notice of appeal divests the district court of jurisdiction as to any matters involved in the appeal."

6. I have also timely filed notice of appeal and supporting materials — including:

Appellant Brief (Jan. 16, 2025) detailing judicial misconduct, whistleblower retaliation, and ADA violations;

Emergency Motion for Protective Relief (Mar. 19, 2025), which has been ignored by the Sixth Circuit to date.

7. Notably, the contempt proceedings the Tennessee court seeks to enforce are based on the same injunctive orders and legal issues currently under appellate review — rendering the hearing and any enforcement actions jurisdictionally improper.

III. CONSTITUTIONAL RIGHTS AT STAKE: WHISTLEBLOWING, RETALIATION, AND DUE PROCESS

8. I am a federally protected whistleblower who has filed multiple disclosures with the Securities and Exchange Commission (SEC) and Department of Justice (DOJ), reporting serious violations by the Plaintiff, Mid-America Apartment Communities, Inc. (MAA), including:

-RealPage rent-fixing collusion;

-Accounting fraud and false press releases;

-Use of subsidiaries to conceal internal losses;

-Retaliation against protected disclosures;

-Judicial corruption involving a former Bass, Berry & Sims attorney, Michael Kapellas, who now serves as Judge Lipman's law clerk and had prior undisclosed relationships with Plaintiff's counsel.

9. I have repeatedly informed both the District Court and Sixth Circuit Judicial Council of these issues. Neither body has taken investigative or remedial action.

10. The present contempt proceeding appears designed to suppress protected speech, retaliate against appellate activity, and force my compliance through unconstitutional coercion — including threat of arrest without due process or proper

review.

IV. NATURE OF THREAT AND RELIEF SOUGHT

11. The Western District of Tennessee has not yet issued a warrant, but has expressly threatened to do so. The Kapellas Order (ECF No. 162) states the Court may direct my arrest through U.S. Marshals if I fail to appear in person.

12. I reside in Alexandria, Virginia and have no criminal record. Any attempt to detain or extradite me across state lines constitutes an unlawful use of federal enforcement powers against a civil litigant, not a criminal defendant.

13. If detained within this District, I respectfully request the following relief:

Immediate access to this filing and supporting documents;

A Rule 5(c)(3) identity and removal hearing;

Review of the underlying civil nature of the matter and pending Sixth Circuit appeal;

Opportunity to assert my constitutional, jurisdictional, and statutory defenses prior to any transfer.

14. I do not seek to evade judicial process — I seek to protect my rights and safety from an abuse of judicial authority that has persisted for over two years without oversight or correction.

V. DOCUMENTS AND FACTUAL RECORD INCORPORATED BY REFERENCE

SEALED

VI. CONCLUSION

I respectfully submit this statement as a preemptive constitutional record. Should the U.S. Marshals or the Tennessee court seek to enforce an arrest based on a civil dispute, I ask that this Court exercise its jurisdiction under Rule 5, the Constitution, and basic principles of justice to ensure that no litigant is detained or removed based on retaliation, undisclosed conflicts, or unlawful contempt threats.

Respectfully submitted,
Dennis Michael Philipson
Pro Se Litigant
6178 Castletown Way
Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184
Dated: April 23, 2025

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 5:44 PM
Subject: Fwd: Ongoing Judicial Misconduct and Procedural Violations – Sixth Circuit, Circuit Executive, and Western District of Tennessee
To: <ECF_Judge_Anderson@tnwd.uscourts.gov>,
<ECF_Judge_Fowlkes@tnwd.uscourts.gov>,
<ECF_Judge_Parker@tnwd.uscourts.gov>,
<ECF_Judge_Norris@tnwd.uscourts.gov>,
<ECF_Judge_McCalla@tnwd.uscourts.gov>,
<ECF_Judge_Mays@tnwd.uscourts.gov>,
<ECF_Judge_Breen@tnwd.uscourts.gov>,
<ECF_Judge_Pham@tnwd.uscourts.gov>,
<ECF_Judge_Claxton@tnwd.uscourts.gov>,

<ECF_Judge_York@tnwd.uscourts.gov>,
<ECF_Judge_Christoff@tnwd.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Hello Judges,

It remains unclear why the U.S. District Court for the Western District of Tennessee refuses to review the merits of this case, upload my responses to the docket, or address the serious judicial misconduct that has been repeatedly and specifically documented. Is it standard practice for this Court to disregard basic judicial norms, procedural fairness, and due process obligations?

Equally concerning is the decision by the Sixth Circuit Court of Appeals to block my access to the Pro Se inbox —apparently as a result of my efforts to raise these issues. This mirrors actions taken by Mid-America Apartment Communities (MAA), who similarly restricted my communications when I attempted to report internal misconduct. The refusal of both the District Court and the Sixth Circuit to acknowledge or act upon these disclosures continues to undermine the integrity of the judicial process.

Thank you

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 23, 2025 at 1:51 PM
Subject: Ongoing Judicial Misconduct and Procedural Violations – Sixth Circuit, Circuit Executive, and Western District of Tennessee

Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Hello again :)

This communication will be submitted to the official docket. I have also included a previously submitted briefing from January that remains unreviewed, along with an emergency motion filed in March that likewise has not received any response or adjudication.

Just to be clear — while your courts continue to threaten me with arrest, potential bench warrants, and referral to U.S. Marshals, I state unequivocally that I am willing to turn myself in if necessary and would welcome the opportunity to present this entire record to an impartial magistrate or reviewing circuit panel. I have no criminal record whatsoever, aside from minor driving infractions nearly 20 years ago, and have conducted myself throughout these proceedings with transparency, legal diligence, and in defense of constitutionally protected rights.

Meanwhile, this Court has chosen to delay the case, impose a $600,000 civil judgment, and draw out post-judgment enforcement in a way that appears calculated to prevent the Sixth Circuit from conducting meaningful appellate review. And to ensure there is no ambiguity as to who has been contacted, the following is a list of judges and judicial officers to whom I have directed repeated correspondence regarding this matter. These individuals have received clear and repeated notice of judicial misconduct, constitutional violations, and systemic abuse of process, yet have refused to act, respond, or intervene in any meaningful way..

Additionally, I must place the following on record:

Paige Waldrop Mills, counsel for Mid-America Apartment Communities and attorney at Bass, Berry & Sims PLC, has been at the center of defamatory and retaliatory allegations made against me. She falsely accused me of opening a credit card in her and her husband's name, accruing over $30,000 in debt, and engaging in cyberstalking, hacking, physical mail interference, and surveillance — all of which are categorically false and designed to retaliate against my protected whistleblower activity.

Through formal SEC whistleblower channels, I have reported Mid-America Apartment Communities (MAA) for serious legal and regulatory violations, including:

- Collusion with competitors via RealPage to artificially inflate rents — backed by documents I submitted to the SEC and DOJ;
- Use of subsidiaries to fabricate reimbursements and absorb internal liabilities;
- Misrepresentation of financials, including false press releases and earnings statements;

- Self-dealing, invoice fraud, and internal computer intrusions;
- And obstruction of justice, retaliation against reporting, and EEOC violations.

I am also a pro se litigant with a federally recognized disability, and this Court has repeatedly denied my requests for reasonable accommodations under the ADA. These denials constitute violations of federal law and further deprive me of meaningful access to the judicial process.

This litigation has included a pattern of intimidation through judicial threats of arrest and contempt, even while the underlying legal issues are pending before the Sixth Circuit (Case No. 24-6082). These tactics violate the *Griggs v. Provident* principle and reflect a willful abuse of power by the District Court in an attempt to coerce submission.

This case has been materially influenced — if not directly controlled — by Michael Kapellas, law clerk to Judge Sheryl H. Lipman, who is also a member of the Sixth Circuit Judicial Council. Mr. Kapellas is a former colleague of Plaintiff's counsel and worked directly with John Golwen at Bass, Berry & Sims. This conflict was never disclosed by the Court and was uncovered by me through metadata after seven months of litigation.

Mr. Kapellas' name remains on Bass, Berry & Sims' website, and his role in chambers fundamentally compromised the neutrality of all rulings in this case. Despite multiple filings raising this issue, neither the District Court nor the Sixth Circuit has taken any action.

I have also made repeated disclosures through MAA's SEC-mandated whistleblower hotline, including to:

- Leslie Wolfgang, MAA's designated Ethics and Compliance Officer,
- And executives including Amber Fairbanks, Tim Argo, Eric Bolton, and others.

These individuals are fully aware of what is occurring — and their continued silence establishes knowledge and corporate complicity in this abuse of process and retaliation.

Furthermore, I have been denied fundamental procedural rights, including access to fair discovery, transparency in rulings, and equal opportunity to present my claims. These cumulative failures are not isolated errors — they represent a coordinated campaign of legal and institutional misconduct.

If this Court — and the Sixth Circuit more broadly — continues to ignore these violations, it becomes a willing participant in what is now a documented case of judicial fraud, institutional retaliation, and systemic abuse.

The record is extensive. The misconduct is undeniable. The refusal to act is now part of the abuse.

SIXTH CIRCUIT – JUDGES & COURT OFFICERS

Chief Judge Jeffrey S. Sutton
jeffrey .sutton@ca6 .uscourts .gov
jeffrey_sutton@ca6 .uscourts .gov
honorable_jeffrey_sutton@ca6 .uscourts .gov

Judge Karen Nelson Moore
karen .moore@ca6 .uscourts .gov
karen_moore@ca6 .uscourts .gov

Judge Eric L. Clay
eric .clay@ca6 .uscourts .gov
eric_clay@ca6 .uscourts .gov

Judge Richard Griffin
richard .griffin@ca6 .uscourts .gov
richard_griffin@ca6 .uscourts .gov

Judge Raymond Kethledge
raymond .kethledge@ca6 .uscourts .gov
raymond_kethledge@ca6 .uscourts .gov

Judge Jane B. Stranch
jane .stranch@ca6 .uscourts .gov

jane_stranch@ca6 .uscourts .gov

Judge Amul Thapar
amul .thapar@ca6 .uscourts .gov
amul_thapar@ca6 .uscourts .gov

Judge John K. Bush
john .bush@ca6 .uscourts .gov
john_bush@ca6 .uscourts .gov

Judge Joan Larsen
joan .larsen@ca6 .uscourts .gov
joan_larsen@ca6 .uscourts .gov

Judge John B. Nalbandian
john .nalbandian@ca6 .uscourts .gov
john_nalbandian@ca6 .uscourts .gov

Judge Chad A. Readler
chad .readler@ca6 .uscourts .gov
chad_readler@ca6 .uscourts .gov

Judge Eric E. Murphy
eric .murphy@ca6 .uscourts .gov
eric_murphy@ca6 .uscourts .gov

Judge Stephanie D. Davis
stephanie .davis@ca6 .uscourts .gov
stephanie_davis@ca6 .uscourts .gov

Judge Andre B. Mathis
andre .mathis@ca6 .uscourts .gov
andre_mathis@ca6 .uscourts .gov

Judge Rachel Bloomekatz
rachel .bloomekatz@ca6 .uscourts .gov
rachel_bloomekatz@ca6 .uscourts .gov

Judge Kevin G. Ritz
kevin .ritz@ca6 .uscourts .gov
kevin_ritz@ca6 .uscourts .gov
Former Assistant U.S. Attorney and senior federal prosecutor with the U.S. Department of Justice, who was asked about this matter while employed at DOJ, as confirmed through a FOIA request.

SIXTH CIRCUIT – COURT STAFF

Roy Ford (Case Manager)
roy .ford@ca6 .uscourts .gov
roy_ford@ca6 .uscourts .gov

Mandy Shoemaker (Mediator)
mandy .shoemaker@ca6 .uscourts .gov
mandy_shoemaker@ca6 .uscourts .gov

Kelly Stephens (Clerk of Court)
kelly .stephens@ca6 .uscourts .gov
kelly_stephens@ca6 .uscourts .gov

Pro Se Docketing
ca06_pro_se_efiling@ca6 .uscourts .gov

WESTERN DISTRICT OF TENNESSEE – JUDGES

Chief Judge Sheryl H. Lipman
ecf_judge_lipman@tnwd .uscourts .gov

Judge S. Thomas Anderson
s .thomas .anderson@tnwd .uscourts .gov
s_thomas_anderson@tnwd .uscourts .gov

Judge Thomas L. Parker
thomas .parker@tnwd .uscourts .gov
thomas_parker@tnwd .uscourts .gov

Judge Mark Norris
mark .norris@tnwd .uscourts .gov
mark_norris@tnwd .uscourts .gov

Judge Jon P. McCalla
jon .mccalla@tnwd .uscourts .gov
jon_mccalla@tnwd .uscourts .gov

Judge Samuel H. Mays, Jr.
samuel .mays@tnwd .uscourts .gov
samuel_mays@tnwd .uscourts .gov

Judge Daniel Breen
daniel .breen@tnwd .uscourts .gov
daniel_breen@tnwd .uscourts .gov

Judge John T. Fowlkes, Jr.
john .fowlkes@tnwd .uscourts .gov
john_fowlkes@tnwd .uscourts .gov

WESTERN DISTRICT – COURT STAFF

Melanie Mullen (Case Manager to Judge Lipman)
melanie_mullen@tnwd .uscourts .gov

Michael Kapellas (Judicial Law Clerk)
michael_kapellas@tnwd .uscourts .gov
michael .kapellas@tnwd .uscourts .gov

CLERK'S OFFICE – WESTERN DISTRICT

intake@tnwd .uscourts .gov
tnwd_intake@tnwd .uscourts .gov

PLAINTIFF'S ATTORNEYS – BASS, BERRY & SIMS PLC

Paige Waldrop Mills
pmills@bassberry .com

Theresa McClanahan (Assistant to Mills)
tmcclanahan@bassberry .com

John Golwen
jgolwen@bassberry .com

Jordan Thomas
jordan .thomas@bassberry .com

Kris Williams
kris .williams@bassberry .com

Dennis Michael Philipson
Pro Se Appellant
MikeyDPhilips@gmail.com
(949) 432-6184
6178 Castletown Way
Alexandria, VA 22310

---------- 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_efiling@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>, <tmcclanahan@bassberry.com>
Cc: MikeyDPhilips <mikeydphilips@gmail.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

6 attachments

04-22-25 - NOTICE OF FILING – DISTRICT COURT ORDER ENTERED APRIL 22_ 2025.pdf
156K

04-22-25 - 223-cv-02186 - RESPONSE TO ORDER COMPELLING APPEARANCE _ECF NO. 162_.pdf
120K

04-23-25 - Protective Statement Draft.pdf
146K

01-16-25 - Appellant Briefing.pdf
274K

03-19-25 - Emergency Motion.pdf
259K

04-22-25 Kapellas Order.pdf
174K

EXHIBIT E

EXPLANATION ON PDF METADATA REMOVAL

WE have examined two documents: (1) *"C - Setting Letter.pdf"*, which retains full document metadata, and (2) *"A - Document 162 - Order by Judge Sheryl Lipman.pdf"*, which exhibits signs of metadata wiping. Both documents are related to the same federal case and appear to share content lineage based on matching modification timestamps.

The following technical observations form the basis for my conclusion:

1. The original document ("C - Setting Letter.pdf") contains standard embedded PDF metadata fields, including:
    - Author and company identification
    - Document and instance UUIDs
    - Creation tool metadata (Acrobat PDFMaker)
    - Embedded XMP metadata stream
    - A full Adobe and iText hybrid producer footprint
2. In contrast, the court-uploaded version ("A - Document 162") lacks all of these identifiers:
    - The **Author, Creator, and Company** fields have been purged.
    - The **XMP metadata stream** and **UUID document identifiers** are absent.
    - The **Tagged PDF** status has been flipped from Yes to No, indicating a flattening of document structure.
    - Only the **ModifyDate** remains, which is shared between both versions—strongly suggesting they originated from the same file prior to metadata wiping.
3. The metadata producer string in the stripped version identifies **only** the iText Core 7.2.3 library. This is commonly used in **court automation systems** and is a strong indicator of server-side processing, which may strip or sanitize documents prior to public docket entry.
4. No encryption, scripting, or form field metadata is present in either file, eliminating alternate causes for metadata loss such as redaction tools or user-based security settings.

Conclusion: Based on this side-by-side forensic analysis, it is evident that the stripped document was intentionally processed to remove identifying metadata. While this is often the result of automated sanitization by a court document management system, the context here strongly suggests deliberate manual metadata removal.

Specifically, orders issued by Judge Lipman prior to November 2023 did not undergo metadata stripping—and it was later discovered that at least six orders, including those authored by former colleague Michael Kapellas, retained full authorship metadata.

This pattern supports a reasonable inference that the removal of identifying information in the current document was intentional and manual, not automatic. The original was clearly created using Microsoft

Office tools via Acrobat PDFMaker, yet all such identifiable traces were selectively erased in the stripped version.

This suggests a conscious effort to anonymize or obscure the source and authorship of the court-uploaded version.

DETAILED TABLE COMPARISON OF METADATA

Metadata Field	C - Setting Letter (Original)	A - Document 162 Order (Stripped)	Explanation
Filename	C - Setting Letter.pdf	A - Document 162...Order.pdf	Identifies the two distinct documents being compared.
Author	Joe Warren	*(Missing)*	Author tag was wiped from the stripped version.
Creator Tool	Acrobat PDFMaker 25 for Word	*(Missing)*	Tool used to create original document is removed.
Company	Microsoft	*(Missing)*	No organizational affiliation in stripped version.
Creation Date	2025:04:23 08:58:50-05:00	*(Missing / Replaced by ModifyDate only)*	Original creation date is wiped; only modified date remains.
Modify Date	2025:04:24 15:48:03-05:00	2025:04:24 15:48:03-05:00	Same modify date—suggests both derived from the same original file.
PDF Producer	Adobe PDF Library 25.1.211 + iText Core 7.2.3	iText Core 7.2.3	Stripped version shows only iText (court system sanitizer), not Adobe.
XMP Toolkit	Adobe XMP Core 5.1.0-jc003	*(Missing)*	XMP metadata layer fully absent in stripped version.
Document ID / Instance ID	Present: 2 UUIDs (unique IDs for traceability)	*(Missing)*	Key identifiers for document integrity and history are missing.
Tagged PDF	Yes	No	Structural tagging removed—important for document origin tracing.

Metadata Field	C - Setting Letter (Original)	A - Document 162 Order (Stripped)	Explanation
Metadata Stream	Yes	No	Indicates whether embedded metadata stream exists—removed in stripped copy.
Custom Metadata	Yes	No	Shows user-defined or additional metadata was deleted.
User Properties	No	No	Not present in either, unrelated to wiping analysis.
Encrypted / JavaScript / Forms	No	No	No encryption or scripting in either—consistent across both.
Fonts (subset, embedded)	Identified and listed in full	Identified, still embedded	Fonts preserved, but no creation fingerprint in stripped version.

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 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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
Western Division
Office of the Clerk

Wendy R. Oliver, Clerk
242 Federal Building
167 N. Main Street
Memphis, Tennessee 38103
(901) 495-1200

Deputy-in-Charge
U.S. Courthouse, Room 262
111 South Highland Avenue
Jackson, Tennessee 38301
(731) 421-9200

NOTICE OF SETTING
Before Chief Judge Sheryl H. Lipman, United States District Judge

---

April 23, 2025

RE: ***2:23-cv-02186-SHL***
Mid-America Apartment Communities, Inc. v Dennis Philipson

Dear Sir/Madam:

A **SHOW CAUSE HEARING RE ECF [158] SECOND MOTION FOR CONTEMPT FOR VIOLATING PERMANENT INJUNCTION** has been **SET** before **Chief Judge Sheryl H. Lipman** for **FRIDAY, MAY 9, 2025** at **11:00 A.M. in Courtroom No. 1, 11th floor of the Federal Building, Memphis, Tennessee.**

The parties are instructed to have present any witnesses who will be needed for this hearing.

If you have any questions, please contact the case manager at the telephone number or email address provided below.

Sincerely,
WENDY R. OLIVER, CLERK
BY: *s/Melanie Mullen*,
Case Manager for Chief Judge Sheryl H. Lipman
901-495-1255
melanie_mullen@tnwd.uscourts.gov

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 APPELANT BRIEF January 16, 2025

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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

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 Breif 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

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Gmail

MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Follow-Up Regarding Judicial Misconduct Reports and Potential Referral to U.S. Marshals

MikeyDPhilips <mikeydphilips@gmail.com> Fri, Apr 25, 2025 at 2:43 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Fri, Apr 25, 2025 at 2:40 PM
Subject: Fwd: Follow-Up Regarding Judicial Misconduct Reports and Potential Referral to U.S. Marshals
To:<ecf_judge_lipman@tnwd.uscourts.gov>, <michael.kapellas@tnwd.uscourts.gov>, <melanie_mullen@tnwd.uscourts.gov>, <ECF_Judge_Anderson@tnwd.uscourts.gov>, <ECF_Judge_Fowlkes@tnwd.uscourts.gov>, <ECF_Judge_Parker@tnwd.uscourts.gov>, <ECF_Judge_Norris@tnwd.uscourts.gov>, <ECF_Judge_McCalla@tnwd.uscourts.gov>, <ECF_Judge_Mays@tnwd.uscourts.gov>, <ECF_Judge_Breen@tnwd.uscourts.gov>, <ECF_Judge_Pham@tnwd.uscourts.gov>, <ECF_Judge_Claxton@tnwd.uscourts.gov>, <ECF_Judge_York@tnwd.uscourts.gov>, <ECF_Judge_Christoff@tnwd.uscourts.gov>, <ca06_pro_se_efiling@ca6.uscourts.gov>, <roy.ford@ca6.uscourts.gov>, <mandy.shoemaker@ca6.uscourts.gov>, <kelly.stephens@ca6.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>, <jeffrey.sutton@ca6.uscourts.gov>, <karen_moore@ca6.uscourts.gov>, <eric_clay@ca6.uscourts.gov>, <richard_griffin@ca6.uscourts.gov>, <raymond_kethledge@ca6.uscourts.gov>, <jane_stranch@ca6.uscourts.gov>, <amul_thapar@ca6.uscourts.gov>, <john_bush@ca6.uscourts.gov>, <joan_larsen@ca6.uscourts.gov>, <john_nalbandian@ca6.uscourts.gov>, <chad_readler@ca6.uscourts.gov>, <eric_murphy@ca6.uscourts.gov>, <stephanie_davis@ca6.uscourts.gov>, <andre_mathis@ca6.uscourts.gov>, <rachel_bloomekatz@ca6.uscourts.gov>, <kevin_ritz@ca6.uscourts.gov>, <kris.williams@bassberry.com>, <tmcclanahan@bassberry.com>, <jgolwen@bassberry.com>, <pmills@bassberry.com>, <jordan.thomas@bassberry.com>, <michael_kapellas@tnwd.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

April 25, 2025

Dear Chief Judge Sutton, Chief Judge Lipman, Judges Anderson, Fowlkes, Parker, Norris, McCalla, Mays, Breen, Pham, Claxton, York, Christoff, Moore, Clay, Griffin, Kethledge, Stranch, Thapar, Bush, Larsen, Nalbandian, Readler, Murphy, Davis, Mathis, Bloomekatz, Ritz, Clerk Kelly Stephens, Clerk Roy Ford, Clerk Mandy Shoemaker, Clerk Melanie Mullen, Judicial Law Clerk Michael Kapellas, Sixth Circuit Pro Se Clerk, and Court Personnel, Attorney Golwen, Attorney. Mills, Attorney. Thomas, Ms Williams, and Ms. McClanahan,

Hope you're having a great day.
Please see below — I'll be uploading this to the docket and visiting the U.S. Marshals on Monday.
Thank you!

Dennis

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Fri, Apr 25, 2025 at 2:32 PM
Subject: Follow-Up Regarding Judicial Misconduct Reports and Potential Referral to U.S. Marshals
To: <us.marshals@usdoj.gov>
Cc: <pamela.bondi@usdoj.gov>, <todd.blanche@usdoj.gov>, <emil.bove@usdoj.gov>, <chad.mizelle@usdoj.gov>, <dean.sauer@usdoj.gov>, <harmeet.dhillon@usdoj.gov>, <gail.slater@usdoj.gov>, <aaron.reitz@usdoj.gov>, <public.integrity@usdoj.gov>, <whistleblower.oig@usdoj.gov>, <ada.complaint@usdoj.gov>, <special.counsel@usdoj.gov>, <usatnw.civilrights@usdoj.gov>, <opr.complaints@usdoj.gov>, <eousa.foia.requests@usdoj.gov>, <antitrust.division@usdoj.gov>, <criminal.division@usdoj.gov>, <civil.rights@usdoj.gov>, <matthew.galeotti@usdoj.gov>, <keith.edelman@usdoj.gov>, <sophia.suarez@usdoj.gov>,

<antoinette.bacon@usdoj.gov>, <josh.goldfoot@usdoj.gov>, <jennifer.hodge@usdoj.gov>, <hope.olds@usdoj.gov>, MikeyDPhilips <mikeydphilips@gmail.com>

To Whom It May Concern,

I recognize that this message has been sent to multiple divisions and individuals, but given the complexity of jurisdiction and the difficulty in directing detailed information to the appropriate officials — particularly within the FBI — I felt it necessary. I appreciate your patience with my persistence over the past several years, as my intent has always been to ensure that serious issues receive proper attention. I also have read receipts from several of the judges and chief judges on recent filings and correspondence, if that is helpful.

I did not know that informing the courts about potential judicial misconduct, ADA violations, or abuse of process could be construed as “abuse.” If notifying the Department of Justice about these matters is similarly considered harassment or improper, I would appreciate clarity. To be transparent, I believe I have contacted the DOJ regarding related issues tied to Mid-America Apartment Communities (MAA) and judicial misconduct on several occasions over the past few years.

This message is a follow-up to my April 23, 2025 submission regarding serious concerns of judicial and administrative misconduct in the U.S. Court of Appeals for the Sixth Circuit and the U.S. District Court for the Western District of Tennessee.

In that prior message, I advised that I had been threatened with enforcement by the U.S. Marshals Service based solely on my use of court filings and constitutionally protected communications to report judicial conflicts of interest, retaliatory litigation, and due process violations. I am writing to inquire whether any referral has been made to your office or to the U.S. Marshals by either of those courts regarding my correspondence or filings.

For your reference, I have attached a letter dated April 23, 2025, from Kelly Stephens, Clerk of the Sixth Circuit. That letter includes the following:

> “Please be advised that if you continue to send abusive or harassing emails to court personnel, your communications may be referred to the United States Marshals Service or other appropriate authorities for investigation.”

I respectfully ask: Is raising documented concerns about judicial misconduct, ADA accommodation denials, and retaliatory court actions now considered "abuse"? Or is that an inappropriate attempt to chill protected whistleblower activity?

Additionally, my wife filed a docket submission this morning on my behalf, and I personally overnighted a filing to the Sixth Circuit yesterday after the Court refused to accept documents electronically. I have continued to comply with all court procedures in good faith, despite repeated obstructions.

I would also respectfully request a review of the following three dockets — Sixth Circuit Case No. 24-6082, District Court Case No. 2:23-cv-02186-SHL, and District Court Case No. 2:23-mc-00048 — as they contain much of the underlying evidence, as well as the Circuit Executive’s and Magistrate Judge Claxton’s dismissal of judicial misconduct complaints without substantive review. I have attached my appellate briefing, which provides additional context. I remain fully available and willing to speak with any DOJ personnel at any time. For transparency, I will also forward this communication to the involved judges, opposing counsel, and through Mid-America Apartment Communities' SEC-mandated internal whistleblower reporting system. Given prior indications that certain judges may have implemented technical blocks or filters to shield themselves from receiving notice, I raise the concern of "willful blindness" — the legal doctrine under which parties deliberately avoid receiving information to claim plausible deniability.

I remain fully cooperative and willing to speak directly with DOJ officials or any member of law enforcement. If there are any questions about my filings or correspondence, I welcome the opportunity to clarify or discuss them in full.

I intend to visit the U.S. Marshals Service office for the Eastern District of Virginia on Monday, located at:

Albert V. Bryan United States Courthouse
401 Courthouse Square
Alexandria, VA 22314-5701

Please let me know if I should coordinate with anyone ahead of time or follow a specific procedure.

Thank you for your attention to these deeply concerning issues.

Sincerely,
Dennis Michael Philipson
6178 Castletown Way

Alexandria, VA 22310
MikeyDPhilips@gmail.com
(949) 432-6184

Attachment: Letter from Kelly L. Stephens, Clerk of the Sixth Circuit (April 23, 2025)

3 attachments

01-16-25 - Appellant Briefing.pdf
274K

K - 4-23-25 - Letter From Court, Abuse of System.pdf
97K

E - Amended - EXPLANATION OF METADATA REMOVAL.pdf
211K

METADATA2GO

The data shown is all the metadata we could automatically extract from your file. It may be neither complete nor adequate. Metadata could have been changed or deleted in the past. Please be aware that the metadata is provided without liability.

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Checksum	ae2f6ac4e2a703ef0e08296884060b63
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Filetypeextension	pdf
Mimetype	application/pdf
Pdfversion	1.6
Linearized	No
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File Size	177840 bytes
Optimized	no
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Pdf Fonts

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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,

Kelly L. Stephens

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.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

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]

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[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,

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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

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TENNESSEE MEMPHIS DIVISION

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

Dennis Michael Philipson, Defendant (Pro Se),

v.

Mid-America Apartment Communities, Inc., Plaintiff.

NOTICE OF FILING PETITION FOR WRIT OF MANDAMUS TO THE SIXTH CIRCUIT COURT OF APPEALS AND NOTICE OF FORCED MAILING DUE TO COURT OBSTRUCTION

Dennis Michael Philipson, pro se defendant in the above-captioned case, gives notice to this Court that due to persistent judicial misconduct, procedural obstruction, and unlawful denial of basic filing access, he is proceeding to file a Petition for Writ of Mandamus with the United States Court of Appeals for the Sixth Circuit.

The Petition seeks extraordinary relief based on the systemic denial of due process, discrimination under the Americans with Disabilities Act, and retaliation for protected whistleblower activities, all of which have been documented extensively in this litigation and the related appellate proceedings (Case No. 24-6082, Sixth Circuit).

Because of the deliberate obstruction of Appellant's access to the Sixth Circuit Clerk's Office — including blocking of electronic communication and refusals to process filings normally — Appellant is being forced to mail the Petition and supporting documents to the Sixth Circuit by U.S. Postal Service rather than through the standard CM/ECF electronic filing system.

The Petition for Writ of Mandamus, along with this Notice, will be transmitted by mail to the Clerk of the Sixth Circuit on April 28, 2025. A copy of the Petition is attached hereto and incorporated by reference.

This Notice is filed in this District Court docket to ensure that the record accurately reflects the escalation of proceedings and the necessity of Appellant's actions based on the ongoing unlawful conduct of judicial officers and parties involved in this case.

Dated: April 28, 2025

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Defendant

6178 Castletown Way

Alexandria, VA 22310

Email: mikeydphilips@gmail.com

CERTIFICATE OF SERVICE

I certify that on April 28, 2025, I filed the foregoing Notice with the United States District Court for the Western District of Tennessee via the Court's CM/ECF electronic filing system. Service will be made on all counsel of record, including:

Paige Waldrop Mills, Esq.

Bass, Berry & Sims PLC

Suite 2800

150 3rd Avenue South

Nashville, TN 37201

pmills@bassberry.com

John Golwen, Esq.

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, TN 38103

jgolwen@bassberry.com

Jordan Thomas, Esq.

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, TN 38103

jthomas@bassberry.com

Dated: April 28, 2025

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Defendant

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

Case No. 24-6082

DENNIS MICHAEL PHILIPSON, Appellant (Pro Se),

v.

MID-AMERICA APARTMENT COMMUNITIES, INC., Appellee.

FORMAL NOTICE OF INTENT TO FILE PETITION FOR WRIT OF MANDAMUS

DUE TO SYSTEMIC JUDICIAL MISCONDUCT, DISABILITY DISCRIMINATION,

DENIAL OF ACCESS TO COURTS, RETALIATION, AND CONSTITUTIONAL VIOLATIONS

Appellant Dennis Michael Philipson hereby gives formal notice to the Court that, because of pervasive judicial misconduct, disability discrimination, retaliation for whistleblowing, denial of access to the courts, and serious due process violations that have occurred throughout this litigation, he intends to imminently file a Petition for a Writ of Mandamus seeking immediate extraordinary relief.

BACKGROUND

Since August 2023, Appellant has repeatedly sought lawful judicial review of serious constitutional violations tied to the retaliation he suffered at Mid-America Apartment Communities, Inc. ("MAA"), including the misuse of litigation to suppress whistleblowing disclosures provided to federal agencies, including the SEC and DOJ. Appellant's appeals have been obstructed, ignored, or dismissed without fair review at every stage — by the Circuit Executive, the District Court, and this Court.

Despite clear entitlement to reasonable accommodations under the Americans with Disabilities Act ("ADA"), Appellant's formal requests for assistance were ignored or summarily denied, in violation of 42 U.S.C. § 12132 and Tennessee v. Lane, 541 U.S. 509 (2004).

Throughout these proceedings, Appellant, a pro se litigant, has faced systemic judicial bias and procedural sabotage, including:

Obstruction of filings,

- Delays in docketing and ruling on motions,
- Blocking of direct email communications,
- Hostile treatment and refusal to consider legitimate motions,
- Intimidation tactics by opposing counsel aided by judicial indifference.

These actions violate well-established Supreme Court precedents ensuring access to courts under the First and Fourteenth Amendments, including Bounds v. Smith, 430 U.S. 817 (1977) and Christopher v. Harbury, 536 U.S. 403 (2002).

Moreover, courts must treat pro se litigants fairly and liberally construe their filings. See Haines v. Kerner, 404 U.S. 519 (1972) and Baldwin County Welcome Center v. Brown, 466 U.S. 147 (1984). That standard has been wholly abandoned here.

Judicial bias and extrajudicial prejudice, forbidden under In re Murchison, 349 U.S. 133 (1955) and Liteky v. United States, 510 U.S. 540 (1994), have been evident in this case, including ex parte alterations of the docket and orders authored by individuals with conflicts of interest (e.g., judicial law clerk Michael Kapellas).

RETALIATION AGAINST WHISTLEBLOWING

Appellant's disclosures about potential antitrust violations by MAA, submitted through the SEC TCR Whistleblower Program and to DOJ Criminal Division, triggered retaliatory litigation tactics, including

- Altered subpoenas violating Fed. R. Civ. P. 45,
- Abuse of discovery violating Fed. R. Civ. P. 26,

Harassment and intimidation violating procedural fairness principles from Seattle Times Co. v. Rhinehart, 467 U.S. 20 (1984).

These retaliatory acts contravene the Sarbanes-Oxley Act, 18 U.S.C. § 1514A, the Dodd-Frank Act, 15 U.S.C. § 78u-6, and the Criminal Antitrust Anti-Retaliation Act, 15 U.S.C. § 7a-3. Federal law prohibits retaliation against whistleblowers, as reaffirmed in Hartman v. Moore, 547 U.S. 250 (2006) and Mt. Healthy City Board of Ed. V. Doyle, 429 U.S. 274 (1977).

HEALTH DAMAGE FROM JUDICIAL ABUSE

Due to the deliberate misconduct and retaliation detailed above, Appellant's health has severely deteriorated:

- Medications now required:
- Paxil 60 mg (depression and anxiety),
- Bupropion 450 mg (depression),
- Lamotrigine 250 mg (mood stabilization),
- Naltrexone 50 mg (impulse control),
- Wegovy injections (to combat stress-induced weight gain).

Appellant's weight has increased from under 200 lbs to approximately 245 lbs due to severe emotional stress from this litigation, medical conditions that worsened solely as a result of retaliatory abuse by the opposing party and judicial inaction.

This constitutes actionable harm under the ADA and the Rehabilitation Act, 29 U.S.C. § 794, reinforcing the need for extraordinary relief.

NO ADEQUATE REMEDY

Under Cheney v. United States District Court, 542 U.S. 367 (2004), mandamus is appropriate when:

- There is no adequate alternative remedy,
- The right to relief is clear and indisputable,
- The Court's failure to act risks irreparable harm.

All three elements are met here. Routine appellate review is inadequate given the systemic, ongoing, and compounding constitutional violations.

DEMAND FOR ACTION

Appellant demands that this filing be immediately placed on the docket of Case No. 24-6082.

Further, Appellant demands that the Court:

Take immediate corrective action regarding pending motions ignored by the Clerk and staff,

- Investigate and address procedural and disability discrimination misconduct,
- Ensure compliance with the Constitution, ADA, and established federal law.
- If corrective action is not taken, Appellant will proceed with the formal filing of the Mandamus Petition.

Dated: April 28, 2025

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Appellant

6178 Castletown Way

Alexandria, VA 22310

Email: mikeydphilips@gmail.com

CERTIFICATE OF SERVICE

I certify that on April 28, 2025, I electronically filed the foregoing Notice with the Clerk of the United States Court of Appeals for the Sixth Circuit via CM/ECF. Service will be effected by the Court's electronic filing system upon the following counsel of record:

Paige Waldrop Mills, Esq.

Bass, Berry & Sims PLC

Suite 2800

150 3rd Avenue South

Nashville, TN 37201

pmills@bassberry.com

John Golwen, Esq.

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, TN 38103

jgolwen@bassberry.com

Jordan Thomas, Esq.

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, TN 38103

jthomas@bassberry.com

Additionally, because Appellant's electronic communications with Court personnel have been unlawfully obstructed, a hard copy of this filing will also be mailed to the Clerk of the United States Court of Appeals for the Sixth Circuit via U.S. Postal Service.

Dated: April 28, 2025

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Appellant

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

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

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 APRIL 30, 2025 ORDER AND DEMAND FOR IMMEDIATE ACTION BY HIGHER COURTS AND THIS DISTRICT COURT

Formal Notice of Non-Participation, Jurisdictional Challenge, and Demand for Accountability Regarding Retaliatory Proceedings and Improper Judicial Coordination

To the Clerk of Court, Presiding Judge, and Any Reviewing Authority:

This filing is submitted as a formal response to the Court's April 30, 2025 order (Doc. 172) and a direct demand for immediate decisions by this District Court and any higher courts still sitting on unresolved matters. The time for delay, obstruction, and strategic silence is over. I will not appear on May 9, 2025. I will not lend further legitimacy to proceedings that have long since abandoned the Constitution, the Federal Rules, and even the appearance of fairness.

These proceedings are not judicial—they are retaliatory. They have been orchestrated through a pattern of jurisdictional overreach, sealed appellate records, ADA violations, manipulated dockets, and selective enforcement of rules, all under the shadow of unchecked collusion between this Court, its clerks, and Plaintiff's attorneys at Bass, Berry & Sims PLC. The public record already contains detailed documentation of these violations, and yet every attempt to obtain appellate review has been stonewalled or sealed.

If the Sixth Circuit intends to remain silent while this District Court continues to move forward with contempt enforcement that it has no jurisdiction to execute, then let that be the decision. If this Court intends to rule without hearings, arrest without cause, and ignore every documented filing made over the past six months, then let that be the ruling. Make your decision now. End this.

I am not seeking further process. I am not requesting relief. I am not asking for time. I am stating, for the record and for any future judicial or public review: this Court and its counterparts have had every opportunity to address the misconduct that has unfolded in this litigation. If they will not act lawfully, then they must act definitively.

Let the record show:

I. This Court Has No Jurisdiction While Appeal No. 24-6082 Remains Pending

The hearing scheduled for May 9, 2025, purports to adjudicate whether I, the pro se defendant, should be held in contempt for violating a permanent injunction issued by this Court. But that injunction—its issuance, terms, and enforceability—is the direct subject of a pending appeal before the United States Court of Appeals for the Sixth Circuit, Case No. 24-6082, docketed in December 2024 and currently awaiting resolution. This Court's continued assertion of jurisdiction over contempt proceedings that stem from that very injunction is legally invalid and procedurally improper.

Under binding Supreme Court authority, once an appeal is filed, the district court is divested of jurisdiction over the subject matter on appeal. In *Griggs v. Provident Consumer Discount Co.*,

459 U.S. 56, 58 (1982), the Court stated unequivocally:

"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."

The Sixth Circuit has consistently reaffirmed this black-letter rule. In *Lewis v. Alexander*, 987 F.2d 392, 395 (6th Cir. 1993), the Court emphasized that the district court must cease acting on issues that are within the appellate court's reach, and its orders entered in defiance of that principle are subject to being vacated for lack of jurisdiction. Likewise, in *NLRB v. Cincinnati Bronze, Inc.*, 829 F.2d 585, 588 (6th Cir. 1987), the Sixth Circuit reiterated that where the appeal concerns enforcement or interpretation of an injunction, the district court has no authority to adjudicate contempt or issue sanctions related to that injunction while the appeal is pending.

In this case, the contempt allegations raised by Mid-America Apartment Communities, Inc. (MAA) in its so-called "Second Motion for Contempt" explicitly pertain to acts allegedly committed in violation of the permanent injunction issued by this Court. That injunction is not a collateral matter—it is the heart of the appeal. The Sixth Circuit will be tasked with determining whether the injunction was lawful, whether the Court had jurisdiction to issue it, and whether enforcement through contempt is even procedurally proper. This is not a question of timing or convenience; it is a matter of subject matter jurisdiction, and this Court is prohibited from exercising that authority while the appellate court maintains active jurisdiction over the issue.

This Court has been repeatedly notified of the pendency of Appeal No. 24-6082 through formal

filings, emails, and mailed submissions. I have explicitly objected to any contempt proceedings being scheduled during the appeal, including in ECF Nos. 163, 164, and 171. The Sixth Circuit's docket reflects the nature and scope of the appeal, and the filings submitted in that Court—which include detailed documentation of jurisdictional violations, ADA failures, procedural irregularities, and whistleblower retaliation—remain part of the unresolved record, despite being sealed without explanation in Entries 86, 87, and 88.

Moreover, this Court's April 22, 2025 Order (ECF No. 162) acknowledges the existence of the Sixth Circuit appeal but claims that jurisdiction remains "because no stay has been issued." That reasoning is legally and factually incorrect. A stay is not required to divest jurisdiction where the appealed matter itself is the injunction or enforcement action being challenged. The absence of a stay may preserve jurisdiction for ancillary issues not on appeal—but it does not grant authority to adjudicate the very matter under appellate review.

Further, this Court's insistence that it retains jurisdiction to "supervise its judgment" via contempt proceedings is a mischaracterization of federal jurisdiction. Civil contempt—particularly when used to incarcerate or sanction a litigant—is not a neutral mechanism for case management. It is a serious, coercive judicial tool that implicates liberty, constitutional rights, and public policy. To invoke it while the legitimacy of the injunction itself is under active appellate review is to circumvent review entirely.

In fact, the timing of this hearing—set while the Sixth Circuit remains silent—is itself suspect. The Sixth Circuit has failed to rule on multiple emergency motions, including motions for

reasonable accommodation, jurisdictional relief, and misconduct inquiries, all submitted between December 2024 and March 2025. When three critical filings—Docket Nos. 86, 87, and 88—were submitted and accepted by the Sixth Circuit Clerk in late April 2025, they were immediately sealed by administrative action without any motion to seal, without a court order, and without so much as an electronic notice to me as the filer. I received no PACER alert, no communication from the court, and no indication that a judge ever reviewed the submissions before they were restricted from public access. This violates both the spirit and letter of FRAP 25 (governing filing and service) and longstanding Sixth Circuit precedent that disfavors sealed filings absent compelling, adjudicated justification. See *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 476 (6th Cir. 1983).

Thus, this contempt proceeding is not just jurisdictionally invalid—it is strategically timed to beat the appellate court to the punch. It is an attempt to finalize findings of guilt in a forum that remains structurally hostile, while suppressing the appeal through procedural sabotage. And it is being done with full knowledge that the Sixth Circuit has not yet ruled and that the Supreme Court is now being asked to intervene through a pending petition for writ of mandamus.

Plaintiff's counsel—John Golwen, Jordan Thomas, Paige Waldrop Mills, and Kris Williams of Bass, Berry & Sims PLC—are experienced federal litigators. They know exactly what the limits of district court jurisdiction are. So does this Court's staff. So do the judges. And yet, the hearing remains scheduled. Because it is easier to conduct retaliatory enforcement where one controls the rules, the docket, and the silence of oversight. In a courtroom like that, contempt is not about compliance—it is about control.

For these reasons, and for the integrity of the record, I state again: this Court lacks the jurisdiction to proceed, and this hearing must be recognized for what it is—a deliberate circumvention of appellate review, conducted in bad faith, in violation of binding precedent.

II. This Court's Actions Constitute Retaliation, Not Adjudication, and Will Not Be Legitimized

This Court has ceased operating as a neutral judicial forum. The May 9, 2025 hearing is not a legitimate adjudication—it is a retaliatory mechanism wielded against a pro se litigant who has exercised protected statutory and constitutional rights. I will not participate in, nor lend legitimacy to, proceedings that are transparently coercive and procedurally corrupted.

It is well established that courts cannot use their contempt power or other coercive processes to punish individuals for engaging in lawful conduct, particularly constitutionally protected expression or petitioning. The Supreme Court in *Hartman v. Moore*, 547 U.S. 250 (2006), held that retaliatory enforcement actions brought in response to protected First Amendment activity are presumptively unconstitutional. Likewise, *Mt. Healthy City School Dist. v. Doyle*, 429 U.S. 274 (1977), affirmed that even mixed-motive retaliation claims violate constitutional rights where protected conduct was a "substantial or motivating factor" in the government's adverse action.

Here, the motivating factor behind the contempt hearing is not an alleged violation of a court order—it is my documented record of disclosures made to the U.S. Department of Justice, the Securities and Exchange Commission, and formal complaints to the Sixth Circuit Judicial

Council, all of which fall squarely within the protections of federal law, including but not limited to:

- 15 U.S.C. § 78u-6(h)(1)(A) (Dodd-Frank Whistleblower Protections);
- 18 U.S.C. § 1514A (Sarbanes-Oxley Anti-Retaliation Provision);
- 29 U.S.C. § 794 (Rehabilitation Act);
- 42 U.S.C. § 1983 (redress for deprivation of rights under color of law).

The U.S. Supreme Court has held in *Bounds v. Smith*, 430 U.S. 817 (1977), that the right to access the courts is fundamental, and in *Christopher v. Harbury*, 536 U.S. 403 (2002), that even indirect obstruction of that right gives rise to constitutional injury. In this case, the obstruction is direct: contempt enforcement is being pursued not because an injunction has been violated, but because I refused to remain silent in the face of systemic misconduct, including by this Court and its staff.

This is not speculative. This Court has ignored multiple filings challenging judicial bias, refused to address prior motions for recusal, and has taken no public position on documented concerns regarding metadata irregularities in its own docketed orders (e.g., Document 162). These are not minor oversights—they are direct threats to the integrity of the record. Metadata tampering implicates not only ethical violations under Canon 2 of the Code of Conduct for U.S. Judges (requiring the appearance of impartiality), but also potential violations of 18 U.S.C. § 2071 (falsification or concealment of court records).

Further, the doctrine of judicial accountability requires a functioning process of internal and

external review. But here, the very filings I submitted documenting these issues to the Sixth Circuit—entries 86, 87, and 88—were sealed without motion, order, or explanation. That act, carried out administratively and absent any judicial ruling, cuts off access to higher review and preserves the illusion that these concerns were never raised. It is a constructive suppression of the record, and it directly undermines my appellate rights under FRAP 10 and 28 U.S.C. § 1291.

Let it be plainly stated: this Court's continued insistence on contempt enforcement is not about upholding the rule of law—it is about defending a judicial record from scrutiny and retaliating against the individual who documented its failures. It is not lawful enforcement. It is retaliatory adjudication under the guise of court process, and I will not participate in it.

As the Supreme Court made clear in *In re Murchison*, 349 U.S. 133 (1955), "[a] fair trial in a fair tribunal is a basic requirement of due process." This tribunal no longer meets that definition. I cannot and will not participate in proceedings where the process is the punishment, where truth is hidden from review, and where retaliation replaces adjudication.

This is not justice.
And I will not legitimize it.

III. Plaintiff MAA and Its Executives Are Fully Aware of the Illegality They Seek to Conceal Through Litigation

Mid-America Apartment Communities, Inc. ("MAA") and its executive leadership are not passive actors in this litigation. They are active participants in a coordinated effort to silence

lawful whistleblowing and suppress federal disclosures that strike at the core of their business practices. The suggestion that this lawsuit is a neutral enforcement of a court order is absurd. This is a calculated campaign to eliminate a former employee who reported serious federal violations to the proper authorities, and who continues to do so because those violations remain ongoing.

To be clear, the whistleblower disclosures I have made to the U.S. Securities and Exchange Commission, the U.S. Department of Justice, and other regulatory authorities are 100% accurate, lawful, and protected under both the Dodd-Frank Wall Street Reform and Consumer Protection Act (*see* 15 U.S.C. § 78u-6) and the Sarbanes-Oxley Act of 2002 (*see* 18 U.S.C. § 1514A). MAA executives know this because they are the ones who built, endorsed, and benefited from the misconduct. Their denials are not grounded in ignorance—they are willful falsehoods intended to discredit me and insulate themselves from regulatory exposure.

Among the violations reported, and still unaddressed:

- Daily violations of federal antitrust law, including collusion with competing landlords via RealPage and direct communications through phone, email, and internal messaging systems, to coordinate pricing, eliminate specials, and fix rent increases;
- Operation of an unregulated, self-owned insurance company, used to inflate internal financials and delay reimbursements in ways that violate basic insurance and securities disclosure standards;
- Suppression and deletion of internal whistleblower complaints, including submissions routed through the SEC-mandated “anonymous” system that were intercepted, altered, or

destroyed;

- A deliberately compromised internal ethics and compliance structure, overseen by Leslie Wolfgang, in which no communications were permitted to reach MAA's board without executive filtering;
- Ongoing fraud and material misrepresentation in corporate filings, particularly around asset valuation, rent revenue, and liabilities related to internal investigations and legal exposure;
- A pattern of retaliation against employees and residents, including artificial inflation of fees, manipulation of lease terms, deceptive eviction practices, and internal threats against those who attempted to report or resist.

The following MAA executives, by name, have received direct notice of these violations numerous times.

- **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, directly responsible for the administration of MAA's SEC whistleblower reporting systems*

Each of these individuals has been repeatedly informed of the misconduct by me, through protected whistleblower communications, SEC submissions, internal complaints, and this Court's docket. Their continued silence and participation in this retaliatory litigation constitutes knowing complicity in the concealment of federal crimes.

MAA's executives know these allegations are true.

They know the company broke the law, because they helped design the system that did it.

Their litigation strategy is not about compliance—it's about cover-up. And this Court, by entertaining repeated contempt motions and threatening arrest, has effectively positioned itself as an extension of that cover-up.

Let the record reflect: this is not a defamation dispute. This is a corporate crime being shielded by judicial procedure.

IV. The Sixth Circuit's Silence Will Not Shield This Corruption—My Pursuit Through DOJ, SEC, and the Supreme Court Will Continue Until There Is Full Accountability

Let the record reflect:

I have already taken this case to the Department of Justice, the Federal Bureau of Investigation, and the Securities and Exchange Commission, and I will continue pursuing this matter through

every lawful investigative and judicial channel available—for as long as it takes. These are not idle threats or unsubstantiated reports. My whistleblower filings are detailed, fully documented, supported by exhibits, and submitted through official, regulated federal systems.

They include facts that this Court, and the Sixth Circuit, have refused to confront:

- Ongoing antitrust violations through coordinated rent-fixing involving RealPage;
- Operation of a self-owned, unregulated internal insurance company to manipulate reimbursements and financials;
- Fraud and material misstatements in investor-facing communications and SEC-regulated reports;
- Deletion and suppression of internal whistleblower complaints;
- Retaliation against residents and employees who raised objections;
- Ongoing misconduct involving this Court's own docketing system and procedural record.

Let me be equally clear:

I am fully aware of the longstanding ties between the judges in this District, the attorneys at Bass, Berry & Sims PLC, and senior leadership within the Department of Justice, particularly in the Western District of Tennessee. The revolving door between this Court, the local U.S. Attorney's Office, and the very law firm representing MAA is not speculation—it is structural.

Attorneys from large firms like the one representing Plaintiff routinely rotate into federal prosecutorial roles in the Western District of Tennessee, including into top positions. In some cases, those same attorneys return to private practice at firms litigating before the very judges they once served alongside or argued before. In at least one example directly relevant here, a

partner at the Plaintiff's law firm departed the firm and was shortly thereafter appointed to lead the DOJ office in this very district—the same office that would now be responsible for investigating judicial or attorney misconduct in this case.

This pattern is not unique. Federal judicial clerks from this district routinely transition into DOJ roles. Private litigators become AUSAs. AUSAs become judges. Judges' former clerks become partners. And the web of these relationships—not just social, but strategic—is precisely why accountability so often fails when the misconduct involves 'insiders.' It is not a conspiracy. It is a career pipeline. And the parties in this case are traveling it in both directions.

And everyone watching this case from the inside understands how those connections shape outcomes.

The fact that key attorneys in this case—including John Golwen, Paige Mills, and Jordan Thomas—operate within a bar and professional structure that overlaps with DOJ attorneys, judges, disciplinary committees, and even judicial clerks has not gone unnoticed. Nor has the fact that this Court and those agencies have, so far, declined to investigate or discipline any of the attorneys responsible for the documented misconduct in this case.

I am also aware of overlapping institutional ties to other oversight agencies:

- The FTC, which has been slow to act on mounting evidence of systemic rent-fixing and algorithmic collusion;
- The EEOC, which issued a cease-and-desist letter against me that directly mirrored the

language of Plaintiff's counsel, word-for-word, suggesting improper influence and coordination between counsel and federal enforcement bodies;

- The Tennessee Bar Association, which has taken no action on ethics complaints against officers of this Court despite detailed filings.

The web of institutional relationships involved in this case does not intimidate me. I have no illusions about the depth of professional, social, and political ties between the attorneys at Bass, Berry & Sims, the judiciary in this district, and their counterparts in federal law enforcement. What I know is this: those connections explain the silence, the sealed filings, the suppression of the record, and the refusal to rule—not the absence of misconduct.

And yet, I do not care how many bar committees they sit on, or how many coffee meetings they've had with former AUSAs, judges, or clerks-turned-prosecutors. These relationships only underscore why the courts have failed. They do not excuse it. They prove the conflict.

If the Sixth Circuit Court of Appeals continues to sit on its hands, continues to seal documents without judicial order, and continues to deny appellate review in Case No. 24-6082, I will escalate this matter to the United States Supreme Court, through an already-prepared writ of mandamus and supporting filings. And if that body fails to act, I will continue pressing my case with the DOJ, the SEC, the FTC, and any other office, inspector general, or agency willing to document how far these institutions have fallen.

This is not about getting justice in one courtroom. It is about showing how every courtroom that touched this case has turned a blind eye—because doing otherwise would require exposing their own.

IV. If This Court or Plaintiff's Counsel Intend to Coordinate Additional Litigation in Another Circuit, Let It Be Known: I Will Respond at Every Level

Let it be noted for the record: I am fully aware that Plaintiff, through its legal counsel at Bass, Berry & Sims, is likely preparing to initiate a parallel or new civil or criminal matter in another jurisdiction—most likely in a circuit or district where they expect a more controlled outcome. Given the procedural irregularities, sealed filings, and retaliatory tone of this current matter, the signs of imminent forum shopping are unmistakable.

The pattern is clear:

- This District has shown sustained hostility toward my rights, both procedural and constitutional;
- The Sixth Circuit has failed to rule on any substantive issue, sealed whistleblower-related filings (Nos. 86, 87, 88) without explanation, and cut off my ability to communicate with the docket;
- Threats of contempt and arrest have been openly used to punish my attempts to assert appellate rights and to disclose misconduct through protected channels.

Against that backdrop, it would be entirely predictable—and structurally advantageous—for

Plaintiff or its proxies to initiate a separate proceeding in a "friendly" venue, such as the Eastern District of Virginia (Alexandria Division), where venue could be fabricated through any number of vague jurisdictional theories: communications allegedly sent from Virginia, irrelevant employment-related claims, speculative "harassment" narratives, or even strained criminal referrals based on protected whistleblower activity.

This tactic would allow the Plaintiff to:

- Evade ongoing Sixth Circuit appellate jurisdiction;
- Exploit favorable relationships in a new federal district;
- Create conflicting judgments that further erode my appellate standing;
- Stack up contempt findings, injunctions, or sealed orders across circuits, denying me a coherent platform to challenge any of them.

If that is the plan, I will not be surprised. Nor will I be deterred.

Let me be clear:

If Plaintiff or its legal team, or any allied institutional actor, attempts to file another action in a new jurisdiction or circuit—whether civil or criminal, whether direct or by proxy—I will treat that effort as a continuation of the same retaliatory enterprise currently unfolding in this Court. Bring another case. Bring ten. Bring them through whatever backchannel, bar association contact, or "unrelated" U.S. Attorney's Office you see fit. I will respond through parallel administrative complaints, public documentation, congressional referral, and protected disclosure to oversight bodies. And every attempt to conceal the procedural abuse behind sealed filings, protective orders, or "ex parte" coordination will only further confirm the underlying scheme.

I will lawfully resist every attempt to forum shop, to silence dissenting voices through cross-jurisdictional coordination, or to undermine whistleblower protections through procedural subterfuge. And when those cases are used to fabricate contempt findings in one court to bolster a criminal theory in another, it will be documented in the clearest possible terms.

Because what this looks like—what this increasingly is—is not adjudication. It is inter-circuit suppression coordinated through institutional familiarity, where professional relationships substitute for legal findings and where courts are used not to resolve conflict, but to manufacture it against a single litigant.

If you intend to continue in this direction, proceed.

But let the record show:

I am prepared. And I will meet you in every forum you choose—with the truth, the evidence, and the record you keep trying to bury.

V. No Appearance Will Be Made: This Court Has Lost Jurisdiction, Impartiality, and Legal Authority to Compel My Participation

Accordingly, I will not appear on May 9, 2025.

My decision is not based on avoidance, but on principle. I am not evading a lawful hearing—I am refusing to participate in a process that has no legal foundation and no legitimate judicial purpose. A courtroom cannot compel attendance when the very basis for the proceeding—jurisdiction, neutrality, and due process—has been fatally compromised.

This is not protest. This is constitutional and procedural necessity.

The rules of civil procedure, statutory authority, and local court rules are clear:

- Under Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8(a)(1), once an appeal is properly filed (as mine was in December 2024), enforcement actions touching on the subject of the appeal should be stayed or transferred to appellate jurisdiction;
- Under Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982), a district court is divested of jurisdiction over all matters involved in the appeal. The contempt allegations stem directly from the permanent injunction that is on appeal. This Court is attempting to adjudicate the very issue that has been removed from its reach;
- Under Local Rule 83.3(e) of the Western District of Tennessee, pro se litigants are entitled to file pleadings, present evidence, and be heard, yet this Court has repeatedly refused to hear or rule on my substantive filings, including multiple jurisdictional challenges and requests for recusal and accommodation;
- The U.S. Supreme Court has held in *Mathews v. Eldridge*, 424 U.S. 319 (1976), that any deprivation of a protected interest requires "notice and an opportunity to be heard" before a neutral decision-maker. No such hearing on jurisdiction or judicial conflict has been afforded here;
- Canon 2 of the Code of Conduct for United States Judges requires judges to "avoid impropriety and the appearance of impropriety in all activities." The undisclosed connections between this Court's personnel and Plaintiff's counsel violate that standard and render any contempt proceedings suspect at best, and structurally void at worst.

Moreover, the U.S. Constitution guarantees both due process under the Fifth Amendment and access to the courts under the First Amendment. When a court refuses to rule, seals the appellate record, cuts off electronic filings, and issues coercive contempt threats without jurisdiction, it is not providing due process. It is engaging in state retaliation under color of law—prohibited by *Hartman v. Moore*, 547 U.S. 250 (2006) and *Ex parte Young*, 209 U.S. 123 (1908).

Let the Court also recall: I have been barred from emailing docket filings to the Sixth Circuit under vague claims of "abuse"; I have stopped receiving PACER notifications of docket activity, despite prior access; and three of my most critical filings—Docket Nos. 86, 87, and 88—were sealed without a motion, order, or any ruling by a judge. That is not due process. That is deliberate suppression of the record.

You cannot compel someone to enter a courtroom when:

- The record has been pre-suppressed;
- The appellate path has been obstructed;
- The judges refuse to address conflicts;
- The hearing exists solely to memorialize contempt findings for use in future litigation.

The May 9 hearing is not a lawful adjudicatory proceeding. It is a procedural trap.
And no one should be required to walk into one.

Therefore, I will not attend. I will not allow my presence to be used to fabricate legitimacy for proceedings whose only purpose is to produce a contempt citation without lawful foundation. I will not validate a courtroom that has rejected neutrality and weaponized procedure to silence

protected speech.

I do not seek relief from this Court.

I do not object under its rules.

I do not consent to its authority over this matter.

I am simply documenting the truth—and I will continue to do so through the U.S. Supreme Court, administrative filings, and lawful public disclosures, until a body with proper jurisdiction and actual independence reviews what has occurred here.

Dated this 30 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 30th day of April, 2025, a true and correct copy of the foregoing RESPONSE TO APRIL 30, 2025 ORDER AND DEMAND FOR IMMEDIATE ACTION BY HIGHER COURTS AND THIS DISTRICT COURT, including all referenced and accompanying documents, was served as follows:

- Via PACER electronic filing system where permitted;
- Via direct electronic mail to counsel for Plaintiff and to employees and officers of the United States District Court for the Western District of Tennessee;
- Via physical overnight mail to the Clerk of the United States Court of Appeals for the Sixth Circuit, due to this Court's unlawful restriction of my electronic access to that docket under the pretext of "abuse";
- And via submission through Mid-America Apartment Communities, Inc.'s SEC-mandated internal whistleblower reporting system, for corporate officer and board-level documentation under Sarbanes-Oxley and related obligations.

This submission should also be forwarded by the Clerk or employees of the U.S. District Court for the Western District of Tennessee to the Clerk's Office of the Sixth Circuit Court of Appeals, as it directly relates to appellate Case No. 24-6082 and the unlawful sealing of filings therein.

Counsel for Plaintiff:
Bass, Berry & Sims PLC
John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
Kris Williams
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (615) 742-6200 / (901) 543-5903

Paige Waldrop Mills, BPR No. 016218
Theresa McClanahan
21 Platform Way South, Suite 3500
Nashville, TN 37203

Emails:
pmills@bassberry.com, jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com, tmcclanahan@bassberry.com

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

Clerk's Office and Court Staff (Western District of Tennessee):
• ecf_judge_lipman@tnwd.uscourts.gov
• michael.kapellas@tnwd.uscourts.gov
• melanie_mullen@tnwd.uscourts.gov

Judges – U.S. District Court, Western District of Tennessee:
• ECF_Judge_Anderson@tnwd.uscourts.gov
• ECF_Judge_Fowlkes@tnwd.uscourts.gov
• ECF_Judge_Parker@tnwd.uscourts.gov
• ECF_Judge_Norris@tnwd.uscourts.gov
• ECF_Judge_McCalla@tnwd.uscourts.gov
• ECF_Judge_Mays@tnwd.uscourts.gov
• ECF_Judge_Breen@tnwd.uscourts.gov
• ECF_Judge_Pham@tnwd.uscourts.gov
• ECF_Judge_Claxton@tnwd.uscourts.gov
• ECF_Judge_York@tnwd.uscourts.gov
• ECF_Judge_Christoff@tnwd.uscourts.gov

Clerk's Office and Court Staff (Sixth Circuit Court of Appeals):
• ca06_pro_se_efiling@ca6.uscourts.gov
• roy.ford@ca6.uscourts.gov
• mandy.shoemaker@ca6.uscourts.gov
• kelly.stephens@ca6.uscourts.gov

Judges – U.S. Court of Appeals for the Sixth Circuit:
jeffrey_sutton@ca6.uscourts.gov,
Jeffrey.sutton@ca6.uscourts.gov,
karen_moore@ca6.uscourts.gov,
eric_clay@ca6.uscourts.gov,
richard_griffin@ca6.uscourts.gov,

raymond_kethledge@ca6.uscourts.gov,
jane_stranch@ca6.uscourts.gov,
amul_thapar@ca6.uscourts.gov,
john_bush@ca6.uscourts.gov,
joan_larsen@ca6.uscourts.gov,
john_nalbandian@ca6.uscourts.gov,
chad_readler@ca6.uscourts.gov,
eric_murphy@ca6.uscourts.gov,
stephanie_davis@ca6.uscourts.gov,
andre_mathis@ca6.uscourts.gov,
rachel_bloomekatz@ca6.uscourts.gov,
kevin_ritz@ca6.uscourts.gov

Other DOJ Recipients (for record of whistleblower retaliation):
• civilrights.division@usdoj.gov
• criminal.division@usdoj.gov
• antitrust.division@usdoj.gov
• pamela.bondi@usdoj.gov
• pam.bondi@usdoj.gov
• us.marshals@usdoj.gov

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

Gmail

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> Wed, Apr 30, 2025 at 9:32 AM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 30, 2025 at 9:26 AM
Subject: Submission of Response to April 30, 2025 Order – Request for Docket Filing and Forwarding to Sixth Circuit
To: <ecf_judge_lipman@tnwd.uscourts.gov>, <melanie_mullen@tnwd.uscourts.gov>, <ecf_judge_anderson@tnwd.uscourts.gov>, <ecf_judge_fowlkes@tnwd.uscourts.gov>, <ecf_judge_parker@tnwd.uscourts.gov>, <ecf_judge_norris@tnwd.uscourts.gov>, <ecf_judge_mccalla@tnwd.uscourts.gov>, <ecf_judge_mays@tnwd.uscourts.gov>, <ecf_judge_breen@tnwd.uscourts.gov>, <ecf_judge_pham@tnwd.uscourts.gov>, <ecf_judge_claxton@tnwd.uscourts.gov>, <ecf_judge_york@tnwd.uscourts.gov>, <ecf_judge_christoff@tnwd.uscourts.gov>, <pmills@bassberry.com>, <jgolwen@bassberry.com>, <kris.williams@bassberry.com>, <tmcclanahan@bassberry.com>, <jordan.thomas@bassberry.com>, <michael_kapellas@tnwd.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Dear Clerk's Office & Judges,

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

04-30-25 - RESPONSE TO APRIL 30, 2025 ORDER AND DEMAND FOR IMMEDIATE ACTION 223-cv-2186-SHL-cgc.pdf
267K

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 CONTINUED RIGHTS VIOLATIONS AND REQUEST FOR DOCKET FILING OF ATTACHED EXHIBITS

To the Clerk of Court:

This notice is submitted for immediate docket filing to document ongoing violations of my constitutional rights, lack of transparency, and failure by this Court to respond to lawful and repeated inquiries.

Despite multiple communications, this Court has continued to mark public docket filings as "restricted" without legal basis or explanation, in apparent violation of transparency and procedural norms. Additionally, there has been no acknowledgment of correspondence addressing ethical and judicial misconduct, nor any indication that these matters are being properly investigated or escalated.

Attached hereto are the following exhibits:

- Exhibit A: April 30, 2025 email to Sixth Circuit officials regarding improper docket restrictions and court integrity concerns.
- Exhibit B: April 30, 2025 forwarded email to the Eastern District of Virginia and U.S. Marshals requesting record entry and review of judicial misconduct, including metadata deletion and irregular orders issued by court personnel.

These attachments are offered to supplement the record and provide documentary evidence of my efforts to obtain lawful recourse and transparency. I continue to assert my rights under the

U.S. Constitution and federal court rules and intend to escalate these matters further as needed, including through direct contact with the U.S. Supreme Court and all relevant oversight agencies.

Dated this 30 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 30th day of April, 2025, a true and correct copy of the foregoing **NOTICE OF CONTINUED RIGHTS VIOLATIONS AND REQUEST FOR DOCKET FILING OF ATTACHED EXHIBITS**, including all referenced and accompanying documents, was served as follows:

- Via PACER electronic filing system where permitted;
- Via direct electronic mail to counsel for Plaintiff and to employees and officers of the United States District Court for the Western District of Tennessee;
- Via physical overnight mail to the Clerk of the United States Court of Appeals for the Sixth Circuit, due to this Court's unlawful restriction of my electronic access to that docket under the pretext of "abuse";
- And via submission through Mid-America Apartment Communities, Inc.'s SEC-mandated internal whistleblower reporting system, for corporate officer and board-level documentation under Sarbanes-Oxley and related obligations.

This submission should also be forwarded by the Clerk or employees of the U.S. District Court for the Western District of Tennessee to the Clerk's Office of the Sixth Circuit Court of Appeals, as it directly relates to appellate Case No. 24-6082 and the unlawful sealing of filings therein.

Counsel for Plaintiff:
Bass, Berry & Sims PLC
John Golwen, BPR No. 014324
Jordan Thomas, BPR No. 039531
Kris Williams
100 Peabody Place, Suite 1300
Memphis, TN 38103
Tel: (615) 742-6200 / (901) 543-5903

Paige Waldrop Mills, BPR No. 016218
Theresa McClanahan
21 Platform Way South, Suite 3500
Nashville, TN 37203

Emails:
pmills@bassberry.com, jgolwen@bassberry.com, jordan.thomas@bassberry.com, kris.williams@bassberry.com, tmcclanahan@bassberry.com

Notice via SEC-Mandated Internal Reporting System – Mid-America Apartment Communities

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

DMP 15

From: DMP 15 <DMP15isBack@outlook.com>
Sent: Wednesday, April 30, 2025 1:43 PM
To: Track roy_ford@ca6.uscourts.gov; Track mandy_shoemaker@ca6.uscourts.gov; Track jeffrey_sutton@ca6.uscourts.gov; Track kelly_stephens@ca6.uscourts.gov
Cc: roy_ford@ca6.uscourts.gov; mandy_shoemaker@ca6.uscourts.gov; kelly_stephens@ca6.uscourts.gov; jeffrey_Sutton@ca6.uscourts.gov
Subject: Improper Docket Restrictions and Court Integrity

Hello again Roy, Mandy, Kelly

Sorry to go against orders,

Why are docket filings being marked as “restricted” when they are supposed to be part of the public record? Who is authorizing this, and on what legal basis?

At this point, it’s hard to tell whether the court is operating under established rules or simply allowing Bass, Berry & Sims to dictate procedure. I genuinely don’t know who is running things here—the judges or the firm.

I’ll be reaching out directly to the Supreme Court Justices for clarity, since no one here appears willing to provide it. I am quite annoying and persistent unfortunately. I will also continue submitting all relevant materials to the appropriate government oversight portals, as I’ve done consistently since April 2021.

Thank you,
Dennis Philipson

Gmail

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> Wed, Apr 30, 2025 at 2:17 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 30, 2025 at 11:53 AM
Subject: Fwd: Submission of Response to April 30, 2025 Order – Request for Docket Filing and Forwarding to Sixth Circuit
To: <vaed_clerksoffice@vaed.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

If you could also forward this to the U.S. Marshals and the clerk I spoke with on the phone yesterday—the one who was unnecessarily rude,—I'd appreciate it. Just so it's part of the record.

The individual issuing the orders and removing the metadata is Michael Kapellas, a Judicial Law Clerk at the Western District of Tennessee—just in case you know him. Perhaps that's standard protocol?

Thank you,
Dennis Philipson

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Wed, Apr 30, 2025 at 9:39 AM
Subject: Fwd: Submission of Response to April 30, 2025 Order – Request for Docket Filing and Forwarding to Sixth Circuit
To: <ca06_pro_se_efiling@ca6.uscourts.gov>

If not received, I will mail overnight.

---------- 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

---

5 attachments

- **D - 04-30-25 - Email to TNWD Clerk Office with Response to Order.pdf**
  115K
- **C - 04-30-25 - Email to Judges with Response to Order.pdf**
  131K
- **A - 04-30-25 - ORDER AFFIRMING MAY 9, 2025 SHOW CAUSE HEARING WILL PROCEED.pdf**
  111K
- **B - 04-30-25 - RESPONSE TO APRIL 30, 2025 ORDER AND DEMAND FOR IMMEDIATE ACTION 223-cv-2186-SHL-cgc.pdf**
  267K
- **04-30-35 - 24-6082 - NOTICE OF FILING - RESPONSE TO APRIL 30, 2025 DISTRICT COURT ORDER.pdf**
  217K

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

MOTION TO SEAL ENTIRE DISTRICT COURT DOCKET

Defendant, Dennis Michael Philipson, appearing pro se, respectfully moves this Court to enter an order sealing the entire docket in the above-captioned matter. This request is made to protect the confidentiality of whistleblower communications, sensitive regulatory disclosures, sealed appellate filings, and judicial matters currently subject to review in multiple federal forums.

In support of this motion, Defendant states the following:

1. This Matter Has Previously Involved Sensitive and Sealed Content

This case involves allegations and evidence concerning federal whistleblower disclosures, protected internal corporate records, and filings that have already been sealed by the United States Court of Appeals for the Sixth Circuit in appellate Case No. 24-6082 (see Docket Entries 86, 87, and 88). These materials include issues involving judicial conflict, retaliatory litigation tactics, and matters under federal agency review.

Several of the same documents are present in this Court's docket, unsealed and available for public access, creating an inconsistency that endangers the confidentiality of those proceedings and invites misuse of protected information.

2. A Full Seal Is Necessary to Prevent Further Harm and Protect Pending Federal Disclosures

The record in this case includes:

SEC-regulated whistleblower filings;

Reports submitted to the U.S. Department of Justice and the FBI;

Communications regarding potential antitrust violations;

Internal ethics reports submitted through federally mandated corporate compliance systems;

Allegations of judicial and clerk-level misconduct.

Public access to these filings exposes Defendant to reputational harm, retaliation, and pretextual litigation efforts in other jurisdictions, all while the Sixth Circuit and other federal agencies continue to investigate or review the conduct described therein.

3. Legal Authority to Seal Is Well Established

District courts possess the inherent authority to seal their own records when justified by compelling interests. See Nixon v. Warner Communications, Inc., 435 U.S. 589, 598 (1978); In re Knoxville News-Sentinel Co., 723 F.2d 470, 476 (6th Cir. 1983). Under Local Rule 83.4(d), this Court has discretion to regulate dissemination of filings where confidentiality is warranted.

Given the existence of overlapping sealed filings at the appellate level, whistleblower material protected by law, and the risk of prejudice, a full seal is justified.

4. Relief Requested

Defendant respectfully moves this Court to:

1. Seal the entire docket in Case No. 2:23-cv-02186-SHL-cgc; and

2. Acknowledge that such sealing is consistent with sealed appellate filings in Case No. 24-6082 and with Defendant's rights under whistleblower protection laws.

CONCLUSION

To preserve the integrity of federal proceedings, protect the confidentiality of whistleblower disclosures, and avoid further prejudicial exposure, Defendant respectfully requests that this Court enter an order sealing the entire record in this matter.

Respectfully submitted,

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Defendant

6178 Castletown Way

Alexandria, VA 22310

Dphilipson1980@hotmail.com

Dated: April 30, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April, 2025, a true and correct copy of the foregoing Motion to Seal Entire District Court Docket was served via electronic mail on counsel for Plaintiff:

John Golwen

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, TN 38103

Email: jgolwen@bassberry.com

Paige Waldrop Mills

Bass, Berry & Sims PLC

21 Platform Way South, Suite 3500

Nashville, TN 37203

Email: pmills@bassberry.com

Jordan Thomas

Bass, Berry & Sims PLC

100 Peabody Place, Suite 1300

Memphis, TN 38103

Email: jordan.thomas@bassberry.com

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

AND

IN THE UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

Case No. 24-6082

DENNIS MICHAEL PHILIPSON,

Appellant,

v.

MID-AMERICA APARTMENT COMMUNITIES, INC.,

Appellee.

NOTICE OF CHANGE OF CONTACT INFORMATION

Defendant/Appellant Dennis Michael Philipson, appearing pro se, hereby provides notice to both the United States District Court for the Western District of Tennessee and the United States Court of Appeals for the Sixth Circuit of the following updates to his contact information:

Effective Immediately:

Email Address:

Change from: mikeydphilips@gmail.com

Change to: dphilipson1980@hotmail.com

Mailing Address:

Change from: 6178 Castletown Way, Alexandria, VA 22310

Change to: 7816 Rolling View Ln #328, Springfield, VA 22153

Please update the docket and all electronic notice settings in both courts accordingly. This change is made to ensure uninterrupted communication with the Clerk's Offices and counsel of record.

Respectfully submitted,

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Defendant/Appellant, Pro Se

Email: dphilipson1980@hotmail.com

7816 Rolling View Ln #328

Springfield, VA 22153

Dated: April 30, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April, 2025, a true and correct copy of the foregoing Notice of Change of Contact Information was served via electronic mail on counsel for Plaintiff:

John Golwen

Bass, Berry & Sims PLC

Email: jgolwen@bassberry.com

Paige Waldrop Mills

Bass, Berry & Sims PLC

Email: pmills@bassberry.com

Jordan Thomas

Bass, Berry & Sims PLC

Email: jordan.thomas@bassberry.com

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	)	
Defendant.	)	

ORDER DENYING WITHOUT PREJUDICE MOTION TO SEAL

On May 2, 2025, Pro Se Defendant Dennis Michael Philipson filed a Motion to Seal Entire District Court Docket. (ECF No. 175.) Mr. Philipson seeks to seal the entire docket in this matter, "[t]o preserve the integrity of federal proceedings, protect the confidentiality of whistleblower disclosures, and avoid further prejudicial exposure." (ECF No. 175 at PageID 3062.)

This Court's Local Rules provide that all motions, including those filed by parties proceeding pro se,

> shall be accompanied by a certificate of counsel or the parties proceeding pro se affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion. Failure to attach an accompanying certificate of consultation may be deemed good grounds for denying the motion.

LR 7.2(a)(1)(B). Because Mr. Philipson failed to include a certificate of consultation with his Motion, it is **DENIED WITHOUT PREJUDICE**.

Although Mr. Philipson is free to refile his motion after properly consulting with opposing counsel and including the appropriate certificate of consultation with any refiled

motion, even if Plaintiff agrees to the relief Mr. Philipson seeks here, the likelihood of the Court granting such a motion is low. Openness is a cornerstone of the American court system, and the Sixth Circuit has "long recognized a 'strong presumption in favor of openness' regarding court records." Rudd Equip. Co., Inc. v. John Deere Constr. & Forestry Co., 834 F.3d 589, 593 (6th Cir. 2016) (quoting Brown & Williamson Tobacco Corp. v. FTC, 710 F.2d 1165, 1179 (6th Cir. 1983)); see also Fed. R. Civ. P. 26(c)(1) (requiring "good cause" for sealing filings). To that end, the "court's obligation to keep its records open for public inspection is not conditioned on an objection from anybody." Id. at 595 (quoting Shane Grp. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 307 (6th Cir. 2016)).

The timing of any re-submitted motion would also be problematic. The Court entered judgment in this case in November 2024. The docket has remained unsealed from the litigation's onset in April 2023. If Mr. Philipson were to refile a similar motion, he would run afoul of the Sixth Circuit's requirement that, "[i]f a party moves to seal a document, or the entire court record, such a motion should be made 'sufficiently in advance of any hearing on or disposition of the [motion to seal] to afford interested members of the public an opportunity to intervene and present their views to the court.'" In re Knoxville News-Sentinel Co., Inc., 723 F.2d 470, 475–76 (6th Cir. 1983) (quoting United States v. Criden II, 675 F.2d 550, 559 (3d Cir. 1982)).

For reasons not limited to the foregoing, Mr. Philipson will confront significant barriers should he decide to refile a similar motion after properly consulting with opposing counsel.

IT IS SO ORDERED, this 5th day of May, 2025.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

Dennis Philipson,

Plaintiff,

v.

Mid-America Apartment Communities, Inc.,

Defendant.

Case No. 2:23-cv-02186

District Judge Lipman / Magistrate Judge Claxton

NOTICE OF CORRESPONDENCE REGARDING MAY 9, 2025 HEARING

Plaintiff Dennis Philipson, proceeding pro se, respectfully submits this Notice to inform the Court and all parties that on May 6, 2025, he transmitted a message via email to relevant court personnel and parties reiterating that he will not be attending the hearing scheduled for May 9, 2025.

This reiteration is consistent with prior docketed communications and filings. Plaintiff has made clear in multiple entries that he is not participating in this proceeding and maintains that any attempt to go forward with the May 9 hearing is unwarranted, unproductive, and an improper use of time and judicial resources.

A copy of the May 6, 2025 message is attached hereto as Exhibit A.

Respectfully submitted,

/s/ Dennis Philipson

Dennis Philipson

Pro Se Plaintiff

Dated: May 6, 2025

CERTIFICATE OF SERVICE

I, Dennis Philipson, certify that on May 6, 2025, I filed the foregoing Notice of Correspondence Regarding May 9, 2025 Hearing with the Clerk of Court via the CM/ECF system, which will send notice to all registered participants.

Additionally, a copy was sent via email to the following individuals:

John Golwen – jgolwen@bassberry.com

Paige Mills – pmills@bassberry.com

Jordan Thomas – jordan.thomas@bassberry.com

Michael Kapellas – michael_kapellas@tnwd.uscourts.gov (former Bass Berry & Sims attorney)

Hon. Jeffrey Sutton – jeffrey_sutton@ca6.uscourts.gov

Christopher Flowers

/s/ Dennis Philipson

Dennis Philipson

Fwd: May 9th Hearing – Schedule Reminder

1 message

MikeyDPhilips <mikeydphilips@gmail.com> Tue, May 6, 2025 at 4:51 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Tue, May 6, 2025, 4:41 PM
Subject: May 9th Hearing – Schedule Reminder
To: <ecf_judge_lipman@tnwd.uscourts>, <intaketnwd@tnwd.uscourts.gov>, <melanie_mullen@tnwd.uscourts.gov>, <jgolwen@bassberry.com>, <ecf_judge_claxton@tnwd.uscourts.gov>, <jordan.thomas@bassberry.com.>, <pmills@bassberry.com>, <michael_kapellas@tnwd.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>
Cc: MikeyDPhilips <mikeydphilips@gmail.com>

Good morning Judges, Counsel, Mr. Kapellas, Mr. Flowers, and Ms. Mulligan,

Just a quick note to reiterate that I will not be attending the hearing scheduled for September 9th. If it's still on your calendar, feel free to free up that time—perhaps even enjoy a round of miniature golf or something equally relaxing.

Wishing you all a wonderful holiday.

Dennis Philipson

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

Dennis Philipson,

Plaintiff,

v.

Mid-America Apartment Communities, Inc.,

Defendant.

Case No. 2:23-cv-02186

District Judge Lipman / Magistrate Judge Claxton

NOTICE OF CORRESPONDENCE

Plaintiff Dennis Philipson, proceeding pro se, respectfully submits this Notice to inform the Court and all parties that on May 9, 2025, he transmitted a message via email to relevant court personnel and counsel of record, titled “Counsel of Record and the Judge.”

The correspondence reiterates Plaintiff’s position regarding the fraudulent nature of this case and addresses the Court’s and counsel’s continued involvement despite the clear and documented record of misconduct. This filing is submitted to preserve the communication on the docket.

A copy of the May 9, 2025 message is attached hereto as Exhibit A.

Respectfully submitted,

/s/ Dennis Philipson

Dennis Philipson

Pro Se Plaintiff

Dated: May 9, 2025

CERTIFICATE OF SERVICE

I, Dennis Philipson, certify that on May 9, 2025, I filed the foregoing Notice of Correspondence with the Clerk of Court via the CM/ECF system, which will send notice to all registered participants.

Additionally, a copy was sent via email to the following individuals:

John Golwen – jgolwen@bassberry.com

Paige Mills – pmills@bassberry.com

Jordan Thomas – jordan.thomas@bassberry.com

Michael Kapellas – michael_kapellas@tnwd.uscourts.gov

Hon. Jeffrey Sutton – jeffrey_sutton@ca6.uscourts.gov

Lashawn Marshall – Lashawn_Marshall@tnwd.uscourts.gov

Melanie Mullen – melanie_mullen@tnwd.uscourts.gov

Kris Williams – kris.williams@bassberry.com

T. McClanahan – tmcclanahan@bassberry.com

Judge Claxton – ecf_judge_claxton@tnwd.uscourts.gov

Judge Lipman – ecf_judge_lipman@tnwd.uscourts.gov

/s/ Dennis Philipson

Dennis Philipson

Gmail MikeyDPhilips <mikeydphilips@gmail.com>

Fwd: Counsel of Record and the Judge,

MikeyDPhilips <mikeydphilips@gmail.com> Fri, May 9, 2025 at 4:24 PM
To: MikeyDPhilips <mikeydphilips@gmail.com>

---------- Forwarded message ---------
From: **MikeyDPhilips** <mikeydphilips@gmail.com>
Date: Fri, May 9, 2025 at 4:17 PM
Subject: Counsel of Record and the Judge,
To: <ecf_judge_lipman@tnwd.uscourts.gov>, <intaketnwd@tnwd.uscourts.gov>, <melanie_mullen@tnwd.uscourts.gov>, <jgolwen@bassberry.com>, <ecf_judge_claxton@tnwd.uscourts.gov>, <jordan.thomas@bassberry.com>, <pmills@bassberry.com>, <michael_kapellas@tnwd.uscourts.gov>, <jeffrey_sutton@ca6.uscourts.gov>, <jeffrey.sutton@ca6.uscourts.gov>, <honorable_jeffrey_sutton@ca6.uscourts.gov>, <Lashawn_Marshall@tnwd.uscourts.gov>, <kris.williams@bassberry.com>, <tmcclanahan@bassberry.com>
Cc: <dphilipson1980@hotmail.com>

Let me be clear: this case is a fraud—and at this point, so is everyone continuing to enable it. MAA's attorneys know it. The Court knows it. The record is filled with evidence that has been ignored, distorted, or deliberately buried. This is not incompetence; it is willful complicity.

Your refusal to confront MAA's misconduct, your tolerance of perjury, your silence in the face of clear whistleblower retaliation, and your repeated procedural games have made this court an active participant in a fraudulent process. You are not administering justice—you are protecting a corporation caught violating the law and retaliating against someone who tried to hold it accountable.

I am not going to sit quietly while you all pretend this is legitimate. You are abusing your authority and the public trust, and sooner or later, someone with oversight will have to answer for what you've allowed to happen here.

/s/ Dennis Philipson
Pro Se Appellant

On Tue, May 6, 2025, 4:41 PM MikeyDPhilips <mikeydphilips@gmail.com> wrote:

> Good morning Judges, Counsel, Mr. Kapellas, Mr. Flowers, and Ms. Mulligan,
>
> Just a quick note to reiterate that I will not be attending the hearing scheduled for September 9th. If it's still on your calendar, feel free to free up that time—perhaps even enjoy a round of miniature golf or something equally relaxing.
>
> Wishing you all a wonderful holiday.
>
> Dennis Philipson

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

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

MID-AMERICA APARTMENT COMMUNITIES, INC.,

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

RESPONSE TO MAY 9, 2025 ORDER TO SHOW CAUSE

FORMAL NOTICE OF NON-PARTICIPATION IN FRAUDULENT PROCEEDINGS

REASSERTION OF STRUCTURAL OBJECTION, DUE PROCESS DENIAL, AND PRESERVATION OF RECORD

To the Clerk of Court, Presiding Judge, and Any Reviewing Authority:

This response is submitted under protest and solely for record preservation. I will not participate in the proceedings described in the Court's May 9, 2025 "Order to Show Cause" (ECF No. 181), because they lack legal, constitutional, and ethical legitimacy. The proceedings are procedurally invalid, jurisdictionally barred, and substantively retaliatory. I will not be complicit in judicial misconduct, collusive litigation, or the use of contempt threats as a vehicle for suppressing protected activity.

This Court, its officers, and Plaintiff's counsel are collectively engaged in a campaign that violates not only my individual rights, but the structural integrity of the federal judiciary.

I. This Court Continues to Operate Without Jurisdiction

A direct appeal remains pending before the United States Court of Appeals for the Sixth Circuit in Case No. 24-6082, filed in December 2024. The appeal concerns the legality of the very injunction this Court seeks to enforce via contempt. Under the divestiture doctrine, recognized in Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982), and applied in Lewis v. Alexander, 987 F.2d 392 (6th Cir. 1993), this Court is divested of jurisdiction over any aspect of the case that overlaps with the appeal.

Proceeding with contempt, post-judgment discovery, or sanctions while the underlying order is on appeal is a structural jurisdictional error. This Court has ignored that mandate and instead moved forward under the pretext that no formal stay was issued. But no stay is required where jurisdiction has already transferred to the Court of Appeals. The absence of a stay does not grant jurisdiction—it reflects the Sixth Circuit's current refusal to rule, not this Court's authority to substitute its will in the meantime.

II. These Proceedings Are Fundamentally Retaliatory

This case is no longer about enforcing a lawful order—it is about punishing a litigant who exposed wrongdoing by the Plaintiff, its attorneys, and this Court. The contempt threats in Document 181 are aimed not at preserving judicial authority but at suppressing protected disclosures made to federal agencies, Congress, and judicial oversight bodies.

This conduct violates the First Amendment, the Fifth Amendment, and multiple federal statutes, including:

15 U.S.C. § 78u-6(h) (Dodd-Frank whistleblower protection);

18 U.S.C. § 1514A (Sarbanes-Oxley retaliation);

42 U.S.C. § 1983 (deprivation of rights under color of law);

29 U.S.C. § 794 (Rehabilitation Act rights, including ADA-related requests ignored by this Court).

The contempt motion is not based on real discovery needs—it is an instrument of coercion, initiated by MAA and its counsel (John Golwen, Paige Mills, Jordan Thomas, Kris Williams) and supported by a judicial office whose clerks, including Michael Kapellas, have undisclosed ties to the Plaintiff's law firm.

This Court has refused to rule on recusal motions, ADA filings, or jurisdictional challenges. Instead, it has sealed the record where it is most critical—allowing the Sixth Circuit to bury Filings 86, 87, and 88 without motion, order, or any judge's ruling. I was never notified. No order was served. No hearing was held.

This is not procedural oversight. It is intentional suppression of material that documents misconduct, raises whistleblower issues, and challenges the structural legitimacy of this litigation.

III. I Will Not Lend Legitimacy to a Corrupted Proceeding

I will not respond to the requested discovery. I will not prepare a defense for proceedings that have no legal or constitutional basis. And I will not participate in a process where due process has been replaced by backdoor enforcement, procedural manipulation, and the appearance of judicial bias.

This Court has lost its neutrality. It is now an adversary masquerading as a forum. It is not the place to adjudicate misconduct—it is where that misconduct originates.

IV. The Record Must Reflect This Objection

This filing serves not as compliance, but as formal documentation of my refusal to participate in a proceeding that lacks legality, fairness, and constitutional foundation. I preserve all rights under law and will continue to pursue relief through the Sixth Circuit, the Supreme Court, the U.S. Department of Justice, and other federal watchdogs and administrative bodies.

If this Court proceeds to hold me in contempt for exercising these rights, so be it. But let the record be clear: I have chosen not to comply, not out of disregard for the law—but out of refusal to dignify a proceeding that has abandoned it.

Respectfully submitted,

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Defendant

dphilipson1980@hotmail.com

7816 Rolling View Ln #328

Springfield, VA 22153

Dated: May 13, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2025, a true and correct copy of the foregoing Response to May 9, 2025 Order to Show Cause was served via electronic mail to all counsel of record and court officers listed below:

Plaintiff's Counsel – Bass, Berry & Sims PLC

John Golwen – jgolwen@bassberry.com

Paige Mills – pmills@bassberry.com

Jordan Thomas – jordan.thomas@bassberry.com

Kris Williams – kris.williams@bassberry.com

Theresa McClanahan – tmcclanahan@bassberry.com

Clerk's Office and Judicial Staff – Western District of Tennessee

ecf_judge_lipman@tnwd.uscourts.gov

michael.kapellas@tnwd.uscourts.gov

melanie_mullen@tnwd.uscourts.gov

Other Judges – Western District of Tennessee

ecf_judge_anderson@tnwd.uscourts.gov

ecf_judge_fowlkes@tnwd.uscourts.gov

ecf_judge_parker@tnwd.uscourts.gov

ecf_judge_norris@tnwd.uscourts.gov

ecf_judge_mccalla@tnwd.uscourts.gov

ecf_judge_mays@tnwd.uscourts.gov

ecf_judge_breen@tnwd.uscourts.gov

ecf_judge_pham@tnwd.uscourts.gov

ecf_judge_claxton@tnwd.uscourts.gov

ecf_judge_york@tnwd.uscourts.gov

ecf_judge_christoff@tnwd.uscourts.gov

/s/ Dennis Michael Philipson

Dennis Michael Philipson

Pro Se Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION & SIXTH CIRCUIT
COURT OF APPEALS

MID-AMERICA APARTMENT COMMUNITIES, INC., Plaintiff, v. DENNIS MICHAEL PHILIPSON, Defendant.	)	No. 2:23-cv-2186-SHL-cgc No: 24-6082

NOTICE OF FILING PETITION FOR WRIT OF MANDAMUS TO THE UNITED STATES SUPREME COURT

To the Clerk of the Sixth Circuit and the Clerk of the U.S. District Court (W.D. Tenn.):

PLEASE TAKE NOTICE that pursuant to the All Writs Act, 28 U.S.C. § 1651(a), and in order to preserve the integrity of the record, Dennis Michael Philipson (pro se appellant in Case No. 24-6082 and defendant in Case No. 2:23-cv-02186-SHL-cgc) hereby gives formal notice that he is filing a Petition for a Writ of Mandamus in the United States Supreme Court on May 13, 2025. This extraordinary petition is necessitated by a complete breakdown in the ordinary appellate process – most notably the failure of the Sixth Circuit Court of Appeals to rule on or address any issue in his pending appeal (Case No. 24-6082) – and by ongoing actions in the District Court that are ultra vires (beyond that court's jurisdiction) and fundamentally unjust. The petition seeks the Supreme Court's intervention to correct multiple ongoing violations of due process, blatant judicial misconduct, and structural abuses that have obstructed Mr. Philipson's rights.

1. Sixth Circuit Inaction and Jurisdictional Abuse: Mr. Philipson's appeal in the Sixth Circuit has been pending without any substantive ruling. The Sixth Circuit has utterly failed to rule or even respond to numerous filings, including *emergency motions, jurisdictional challenges,* and motions raising *Americans with Disabilities Act (ADA)* and constitutional issues. Critical filings in the appellate docket – specifically

Docket Nos. 86, 87, and 88 – were sealed without any motion by the parties or any court order or explanation, rendering them inaccessible to both Mr. Philipson and the public. Despite Mr. Philipson's repeated inquiries, no judge of the Sixth Circuit has taken any action or provided any oversight. Every active Sixth Circuit judge (as well as relevant court officers) has been personally provided notice via letters, emails, and read-receipt confirmations regarding these procedural irregularities and constitutional concerns, yet no relief or acknowledgment has been forthcoming. Meanwhile, the United States District Court for the Western District of Tennessee continues to press forward with contempt proceedings and post-judgment enforcement despite the divestiture of jurisdiction by virtue of the pending appeal. Under the well-established principle of 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."* In direct contravention of that rule, the District Court (Case 2:23-cv-02186) has persisted in enforcing contempt sanctions and conducting hearings on matters currently under appellate review. These actions are void or voidable for lack of jurisdiction, and the Sixth Circuit's failure to enforce its jurisdiction (or to rule on Mr. Philipson's motions challenging the District Court's authority) represents an abdication of its judicial duty.

2. Documented Evidence of Misconduct and Irregularities: In support of the forthcoming petition, Mr. Philipson sets forth the following factual record of documented misconduct, tampering, and retaliation that has infected these proceedings:

a. **Metadata Tampering by Court Staff (ECF No. 162)**: The District Court's order entered on April 22, 2025 (ECF No. 162, Magistrate Judge's order compelling Mr. Philipson's appearance at a contempt show-cause hearing), shows clear signs of PDF metadata manipulation. A forensic comparison of the publicly docketed PDF of ECF No. 162 with related filings reveals that identifying metadata (such as the document's author, creator software, and timestamp UUIDs) was stripped or altered before the document was posted on the docket. Earlier orders in this case retained their original metadata (including the judge's

or clerk's identity and creation details), but ECF No. 162 – which was ostensibly authored by Chief Judge Sheryl H. Lipman or her staff – appears to have been deliberately sanitized to remove all indicators of its true origin. The only remaining metadata (a modified date) matches that of a related clerk's "Setting Letter" (ECF No. 163), strongly suggesting that the *same original file* was processed through a court system tool to wipe out authorship information. This irregular practice was never disclosed and deviates from the court's standard document handling. The conscious removal of metadata from a judicial order raises serious concerns of *record tampering*, as it obscures which judicial officer or staff actually drafted the order. Such an act, if intentional, constitutes an improper manipulation of the official record and suggests an effort to conceal the involvement of certain personnel in the decision-making process.

b. **Improper Sealing of Appellate Filings (Sixth Circuit Docket #86, #87, #88):** Three critical submissions in the Sixth Circuit docket (Nos. 86, 87, 88) have been sealed without any order of the Court or motion by any party. No explanation or notice accompanied these sealings; they simply were marked as "sealed" and made inaccessible. This unilateral clerk's action (or chamber's action) prevented Mr. Philipson from reviewing or referencing his own filings and shielded these documents from public scrutiny. Such secrecy is in direct conflict with normal appellate procedure and the Sixth Circuit's own rules, which require a motion and a court order to seal documents on appeal. See 6th Cir. R. 25(h) and Guide to Electronic Filing § 7.1 (providing that a party must file a motion to seal and the court must grant it before appellate documents are sealed). By sealing these filings sua sponte and off-the-record, the Sixth Circuit not only denied Mr. Philipson's right to access and rely on his submissions, but also undermined the transparency of the appellate record. These sealed items include filings that raised *emergency relief requests and ADA accommodations*. Their suppression has effectively ensured that Mr. Philipson's pleas for relief never saw the light of day, further entrenching the appellate inaction described above.

c. **Suspension of Filing Privileges and PACER Access:** In the midst of Mr. Philipson's attempts to prosecute his appeal, the Sixth Circuit Clerk's Office took the drastic step of suspending his right to file documents via email and disabling his access to electronic notice of filings (PACER notifications). Mr.

Philipson, who is proceeding pro se and has disclosed medical and disability-related grounds for needing electronic filing accommodations, had been utilizing the court's permitted email filing system to submit his motions and briefs. Without formal warning or any opportunity to be heard, the Clerk's Office terminated his email filing access, citing vague allegations of "abuse" of the system. Additionally, electronic case activity notifications to Mr. Philipson were inexplicably halted, meaning he stopped receiving updates when new docket entries were made in his appeal. This combination of actions effectively blindsided Mr. Philipson from both filing and following his own case in real time. It bears emphasis that denying a litigant – especially one with disabilities – reasonable access to the courts is a grave due process concern. Such actions run afoul of Mr. Philipson's constitutional right to petition the government for redress of grievances and his fundamental right of access to the courts. *See, e.g., Bounds v. Smith*, 430 U.S. 817, 821 (1977) (recognizing that meaningful access to the courts is a fundamental right, requiring affirmative assistance to those otherwise unable to access the legal system). The Clerk's unilateral suspension of filing privileges (particularly if done in retaliation for Mr. Philipson's aggressive advocacy) also violates the spirit of the federal courts' obligations under the ADA and Rehabilitation Act to accommodate persons with disabilities. Instead of accommodating, the Sixth Circuit effectively penalized Mr. Philipson for his status and persistence, which is an abuse of administrative discretion and an impediment to justice.

d. **Failure of Court Officials to Respond to Misconduct Complaints:** Throughout these events, Mr. Philipson has diligently provided notice to the Sixth Circuit's Circuit Executive, Chief Judge, Clerk of Court, and other appropriate oversight bodies (including the Sixth Circuit Judicial Council) regarding the ongoing irregularities and apparent misconduct. He has sent multiple letters and emails (with documentation) alerting these officials to issues such as the sealed filings, the metadata tampering, the improper jurisdictional actions, and the interference with his filing rights. No substantive responses have been received. Neither the Circuit Executive's office nor the Clerk's office has addressed or even acknowledged the serious points raised. The silence of these offices, in the face of detailed complaints,

has allowed the problems to fester. It suggests a breakdown of internal accountability and possibly a deliberate indifference (or worse, complicity) with the improper actions. The institutional refusal to engage with Mr. Philipson's grievances has left him with no internal remedy or recourse within the Sixth Circuit. This total lack of oversight or corrective action by those charged with administering justice in the Circuit underscores the necessity of escalating the matter to the Supreme Court.

e. **Retaliation for Whistleblower Disclosures (MAA and Its Executives**): The backdrop of this litigation involves Mr. Philipson's role as a whistleblower who made significant disclosures alleging corporate misconduct by Mid-America Apartment Communities, Inc. (MAA) and certain of its senior executives. Prior to and during this case, Mr. Philipson provided information to federal agencies (including the SEC and DOJ) implicating MAA in unlawful activities – such as collusive rent-setting (via the RealPage price-fixing scheme), fraudulent accounting practices, misuse of subsidiaries to hide liabilities, and other regulatory violations. Rather than address these serious issues, MAA (through its counsel) has engaged in a campaign of personal attacks and retaliatory legal maneuvers against Mr. Philipson. Notably, MAA's counsel of record, *Ms. Paige Waldrop Mills of Bass, Berry & Sims PLC*, has leveled scandalous and baseless accusations against Mr. Philipson – including false claims that he perpetrated identity theft and cybercrimes against her – which are utterly without evidence and serve only to prejudice him and distract from his whistleblower reports. It is evident that the intensity and irregular nature of the proceedings against Mr. Philipson (such as the aggressive push for contempt and the extraordinary steps to block his filings and seal the record) are retaliatory in nature – a direct response to his protected disclosures and his refusal to be silenced. Such retaliation for engaging in protected First Amendment activity (reporting wrongdoing and petitioning the courts) is unlawful. *See, e.g.*, *Hartman v. Moore*, 547 U.S. 250, 256 (2006) (recognizing that officials may not retaliate against an individual for exercising First Amendment rights, and establishing elements of a retaliation claim); *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977) (protecting individuals from governmental retaliation for protected conduct). The pattern of punitive actions against Mr. Philipson – from the

baseless personal smears to the procedural roadblocks erected in court – speaks to a concerted effort to punish him for blowing the whistle on MAA's misconduct. This context of whistleblower retaliation is critical for the Supreme Court to appreciate the full scope of injustice at play, as it indicates that private interests and possibly collusive actors have subverted the judicial process to target Mr. Philipson.

f. **Procedural Manipulation and Altered Records:** Beyond the specific issues noted above, Mr. Philipson has observed a broader pattern of procedural manipulation in this case. Court records and dockets have been handled in an irregular manner to Mr. Philipson's detriment. Deadlines have been set and accelerated without proper notice; hearing dates (such as the contempt Show Cause Hearing set for May 9, 2025) were scheduled despite the case being on appeal, as if to rush punitive action before appellate oversight. Certain filings of Mr. Philipson have allegedly been delayed in docketing or not reflected promptly, while opponent filings receive swift attention – suggesting a biased administration of the docket. There are also concerns that some records may have been altered or selectively edited. For example, transcript dates, certificate of service dates, or other record indicators might have been changed in subtle ways to create technical defaults or to paint Mr. Philipson in a negative light. Each individual instance might be explainable, but collectively they form a troubling mosaic of unfair procedure. Whether by human design or systemic bias, the cumulative effect has been to place Mr. Philipson at constant disadvantage and to obscure the true record of events from any reviewing court. This manipulation of process strikes at the heart of due process – the guarantee of a fair and impartial proceeding.

g. **Undisclosed Conflict of Interest in Chambers:** Troubling evidence has emerged that one of the key judicial officers involved in Mr. Philipson's case has a conflict of interest that was never disclosed on the record. Specifically, Mr. Michael Kapellas – who has served as a law clerk or court staff attorney assisting Chief Judge Sheryl H. Lipman in this matter – was previously employed by the law firm Bass, Berry & Sims PLC, the same firm representing the plaintiff MAA. In fact, Mr. Kapellas formerly worked closely with one of MAA's lead attorneys, Mr. John S. Golwen, on litigation matters during his tenure at that firm. Astonishingly, Mr. Kapellas's name continued to appear on the Bass, Berry & Sims public

website as a member of the firm well into the period when he was ostensibly a neutral judiciary employee working on this case. This prior professional relationship between the judge's staff and the plaintiff's counsel creates a glaring appearance of impropriety and a potential conflict of interest. It raises the question of whether Judge Lipman's orders (several of which bore signs of being drafted or influenced by Mr. Kapellas, as indicated by document metadata before the above-mentioned scrubbing began) were tainted by input from a person with loyalties to the opposing party. Mr. Philipson discovered this connection through diligent research and brought it to the attention of the court and the Sixth Circuit Judicial Council, yet it remains unaddressed. The failure to disclose or remedy this conflict violates fundamental due process norms – every litigant is entitled to a neutral tribunal free from undisclosed entanglements with the opposing side. The integrity of any rulings in this case is deeply undermined by this revelation. At minimum, this conflict should have prompted recusal or reassignment, or at least transparency and screening of the law clerk from any involvement. Instead, the situation was hidden and has now forced Mr. Philipson to seek relief from a higher authority.

h. **ADA Violations – Failure to Accommodate a Disabled Litigant:** Mr. Philipson has informed both the District Court and the Sixth Circuit of his relevant health conditions and disabilities, requesting reasonable accommodations to ensure he can participate meaningfully in the litigation. Rather than meet these obligations, both courts have exhibited a disregard for the Americans with Disabilities Act (ADA) and related accessibility requirements. The Sixth Circuit's revocation of email filing access (described above in subparagraph (c)) is one example, effectively rescinding an accommodation that had allowed Mr. Philipson to file documents without physically traveling or relying on postal mail (which he sought due to medical constraints). Likewise, the District Court scheduled an in-person contempt hearing (for May 9, 2025) and has demanded Mr. Philipson's physical appearance despite his informing the court of medical issues that would make attendance difficult or risky. His requests for a remote appearance or a continuance on health grounds were ignored, reflecting a cavalier attitude toward ADA compliance. Under Title II of the ADA, courts (as public entities) must make reasonable modifications to their

procedures to avoid discriminating against individuals with disabilities. By pressing forward without accommodation – and worse, by punishing Mr. Philipson (through a threat of contempt arrest) for his inability to appear – the courts are not only violating his rights but are also acting contrary to the inclusive administration of justice that federal law demands. These ADA and accessibility violations further demonstrate that Mr. Philipson has been denied a fair opportunity to be heard at every turn.

Each of the above points is supported by documentation, correspondence, or forensic evidence that will be presented in full with the Supreme Court petition. Individually, any one of these issues would be alarming; collectively, they reveal a *systemic breakdown* of the normal legal process and a coordinated effort (by the opposing party and, regrettably, by officers of the courts themselves) to prejudice Mr. Philipson's case and silence his grievances.

3. Legal Basis for Supreme Court Intervention: The extreme circumstances described herein justify the invocation of the Supreme Court's mandamus authority. Under 28 U.S.C. § 1651(a), the Supreme Court may issue extraordinary writs in aid of its jurisdiction and fundamental justice. Mr. Philipson's situation is precisely the type for which mandamus lies: he has no other adequate means to attain relief, and a writ is necessary to confine inferior courts to the proper exercise of their authority and to protect constitutional rights. The law provides several clear guideposts confirming that the lower courts' conduct is unlawful:

- **Jurisdictional Usurpation:** As noted, *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982) confirms that once an appeal is filed, the district court is divested of jurisdiction over the matters on appeal. Despite this, the District Court has aggressively pursued contempt and enforcement proceedings directly tied to the issues on appeal (namely, Mr. Philipson's compliance with the injunction and discovery orders). These actions are a nullity under Griggs and related precedent, yet the Sixth Circuit has failed to intervene or even acknowledge the problem. An appellate court's failure to enforce its exclusive jurisdiction is itself an abuse that the Supreme Court's mandamus power can remedy. Indeed, the All Writs Act exists to ensure that

lower courts do not undermine higher-court jurisdiction or frustrate appellate review through unauthorized actions.

- **Denial of Access to Courts:** The First and Fourteenth Amendments guarantee individuals the right to access the courts and seek redress for grievances. The Supreme Court in *Bounds v. Smith*, 430 U.S. 817 (1977), although addressing prison inmates, underscored that courts must ensure meaningful access for those facing institutional barriers. Here, Mr. Philipson – though not incarcerated – has effectively been treated as a person barred from meaningful court access: his filings are ignored or sealed, his ability to file and receive information was cut off, and his legitimate attempts to be heard have been met with silence or sanction. Such conditions offend the basic guarantees of due process. The Sixth Circuit's unexplained inaction on emergency matters (some implicating fundamental rights and health concerns) is tantamount to a *refusal of court access*. This is an extraordinary situation where the normal appellate process has broken down so completely that only the Supreme Court's intervention can reopen the courthouse doors.

- **Retaliation and Bias Contravening Law:** It is axiomatic that litigants cannot be penalized for exercising their constitutional rights. *Hartman v. Moore*, 547 U.S. 250 (2006) and *Mt. Healthy City School Dist. v. Doyle*, 429 U.S. 274 (1977) are among the cases establishing that government actions motivated by retaliation against First Amendment activity are unlawful. Mr. Philipson's filings and whistleblower activities are protected speech and petitioning conduct. Yet the pattern of treatment he has received – from the opposing party's defamatory allegations to the courts' procedural hostility – evidences a retaliatory animus. The courts are supposed to be a bulwark against retaliation, not instruments of it. If court officials (clerks or even judges) have aligned themselves with the interests of MAA to punish Mr. Philipson for his whistleblowing, such conduct exceeds lawful authority and demands correction. Additionally, the Canon of Judicial Conduct and Due Process Clause require impartiality in adjudication. The undisclosed conflict involving the judge's law clerk and plaintiff's counsel violates these principles, rendering the

proceedings fundamentally unfair. When the impartiality of the tribunal is reasonably questioned, higher courts must step in to ensure confidence in the justice system.

- **Violation of Court Rules and Ethical Duties:** The irregular sealing of documents, the failure to respond to filings, and the lack of transparency also violate rules of procedure and ethics that govern the courts. The Federal Rules of Appellate Procedure and Sixth Circuit local rules envision timely consideration of motions (especially emergencies) and disfavor secret dockets. By ignoring its own docket and allowing ex parte sealing of filings, the Sixth Circuit has flouted those rules. Moreover, clerks have a duty to docket filings and maintain accurate records; any deliberate alteration or destruction of parts of the record (such as metadata scrubbing to hide authorship) would be a gross breach of duty, possibly implicating 18 U.S.C. § 2071 (which forbids removal or falsification of judicial records). While this Notice does not itself assert a criminal accusation, it highlights the severity of the misconduct at issue. The Supreme Court's supervisory authority over the federal courts empowers it to issue writs not only to correct specific errors, but to address structural abuses that threaten the legitimacy of judicial proceedings. This is such a case.

In sum, Mr. Philipson respectfully submits that the intervention of the highest court is warranted to restore lawful procedure and fundamental fairness. The forthcoming Petition for Writ of Mandamus will request that the Supreme Court direct the Sixth Circuit to do its duty (ruling on the merits of the appeal or at least on the outstanding motions, and addressing the backlog of issues) and to order any appropriate relief to undo the damage of the District Court's void actions. The petition may also seek any further relief the Supreme Court deems just, such as reassignment of judges or other measures to ensure an impartial re-hearing of matters free from the taint of conflict and retaliation.

4. Conclusion: *Let the record reflect*: This Notice is not a motion seeking relief from the Sixth Circuit or the District Court. It is a formal notification and record supplement to apprise both courts of the imminent involvement of the United States Supreme Court and to catalogue the serious issues underlying that

extraordinary request. It is filed to ensure there is a clear record that Mr. Philipson has raised these concerns at every available level. The hope remains that even at this stage, the Sixth Circuit or District Court might take corrective action on their own initiative; however, after exhaustive efforts and patience, Mr. Philipson can no longer rely on the ordinary course and must seek an extraordinary remedy. The Supreme Court's supervisory authority over inferior courts extends to halting grave injustices and abuses of power when lower courts will not police themselves. By this Notice, Mr. Philipson preserves his objections and issues for review and places both the Sixth Circuit and the District Court on notice that their conduct is now the subject of a Supreme Court mandamus proceeding.

Respectfully submitted,

Dated this 12th day of May 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

Dennis Michael Philipson
Defendant - Appellant, Pro Se
6178 Castletown Way
Alexandria, VA 22310
Email: dphilipson1980@hotmail.com
Telephone: (949) 432-6184 (mobile)
Dated: May 13, 2025

Certificate of Service

I hereby certify that on May 12 , 2025, a true and correct copy of the foregoing Supplemental Notice of Filing of Petition for Writ of Mandamus to the United States Supreme Court via electronic mail and/or U.S. Mail to the following individuals and entities:

Supreme Court of the United States:

• Hon. John G. Roberts, Jr., Chief Justice – john_roberts@supremecourt.gov

• Hon. Clarence Thomas – clarence_thomas@supremecourt.gov

• Hon. Samuel A. Alito, Jr. – samuel_alito@supremecourt.gov

• Hon. Sonia Sotomayor – sonia_sotomayor@supremecourt.gov

• Hon. Elena Kagan – elena_kagan@supremecourt.gov

• Hon. Neil M. Gorsuch – neil_gorsuch@supremecourt.gov

• Hon. Brett M. Kavanaugh – brett_kavanaugh@supremecourt.gov

• Hon. Amy Coney Barrett – amy_barrett@supremecourt.gov

• Hon. Ketanji Brown Jackson – ketanji_jackson@supremecourt.gov

• Clerk of the Supreme Court – scotus_clerk@supremecourt.gov

United States Court of Appeals for the Sixth Circuit:

- Hon. Jeffrey S. Sutton, Chief Judge – jeffrey_sutton@ca6.uscourts.gov
- Hon. Raymond M. Kethledge – raymond_kethledge@ca6.uscourts.gov
- Hon. John K. Bush – john_bush@ca6.uscourts.gov
- Hon. Joan L. Larsen – joan_larsen@ca6.uscourts.gov
- Hon. Eric E. Murphy – eric_murphy@ca6.uscourts.gov
- Hon. Amul R. Thapar – amul_thapar@ca6.uscourts.gov
- Hon. Richard Allen Griffin – richard_griffin@ca6.uscourts.gov

- Hon. Julia Smith Gibbons – julia_gibbons@ca6.uscourts.gov
- Hon. Karen Nelson Moore – karen_moore@ca6.uscourts.gov
- Hon. Helene N. White – helene_white@ca6.uscourts.gov
- Hon. Bernice B. Donald – bernice_donald@ca6.uscourts.gov
- Hon. Chad A. Readler – chad_readler@ca6.uscourts.gov
- Hon. Andre B. Mathis – andre_mathis@ca6.uscourts.gov
- Hon. Rachel S. Bloomekatz – rachel_bloomekatz@ca6.uscourts.gov
- Hon. Kevin G. Ritz – kevin_ritz@ca6.uscourts.gov
- Hon. Jane Branstetter Stranch – jane_stranch@ca6.uscourts.gov (Note: Judge Stranch has announced her intention to assume senior status upon the confirmation of her successor.)
- Hon. Whitney Hermandorfer – whitney_hermandorfer@ca6.uscourts.gov (Nominee pending confirmation)

Clerk's Office:

- Clerk of Court – ca06-clerk@ca6.uscourts.gov
- Circuit Executive's Office – sixth_circuit_executive@ca6.uscourts.gov
- Roy Ford, Case Manager – roy_ford@ca6.uscourts.gov
- Kelly Stevens, Administrative Staff – kelly_stevens@ca6.uscourts.gov
- Mandy Shoemaker, Clerk’s Office – mandy_shoemaker@ca6.uscourts.gov

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U.S. District Court for the Western District of Tennessee:

- Hon. Sheryl H. Lipman, Chief Judge – ecf_judge_lipman@tnwd.uscourts.gov
- Hon. S. Thomas Anderson – ecf_judge_anderson@tnwd.uscourts.gov
- Hon. John T. Fowlkes, Jr. – ecf_judge_fowlkes@tnwd.uscourts.gov
- Hon. Thomas L. Parker – ecf_judge_parker@tnwd.uscourts.gov

- Hon. Mark S. Norris – ecf_judge_norris@tnwd.uscourts.gov
- Senior Judge Jon P. McCalla – ecf_judge_mccalla@tnwd.uscourts.gov
- Senior Judge Samuel H. Mays – ecf_judge_mays@tnwd.uscourts.gov
- Senior Judge J. Daniel Breen – ecf_judge_breen@tnwd.uscourts.gov

Magistrate Judges:

- Chief Magistrate Judge Tu M. Pham – ecf_judge_pham@tnwd.uscourts.gov
- Magistrate Judge Charmiane G. Claxton – ecf_judge_claxton@tnwd.uscourts.gov
- Magistrate Judge Jon A. York – ecf_judge_york@tnwd.uscourts.gov
- Magistrate Judge Annie T. Christoff – ecf_judge_christoff@tnwd.uscourts.gov

Court Personnel:

- LaShawn Marshall, Courtroom Deputy – lashawn_marshall@tnwd.uscourts.gov
- Michael Kapellas, Court Staff/Former Bass Berry & Sims – michael_kapellas@tnwd.uscourts.gov
- Melanie Mullen, Court Personnel – melanie_mullen@tnwd.uscourts.gov
- Clerk of Court – ecf_information@tnwd.uscourts.gov

Counsel for Mid-America Apartment Communities, Inc. (MAA):

- John S. Golwen – jgolwen@bassberry.com
- Jordan E. Thomas – jordan.thomas@bassberry.com
- Paige W. Mills – pmills@bassberry.com
- Kris A. Williams – kris.williams@bassberry.com
- Teresa McAllan – teresa.mcallan@bassberry.com

Also Submitted To:

Mid-America Apartment Communities, Inc. SEC-Mandated Whistleblower Reporting System – uploaded via internal ethics/compliance portal submission under protected whistleblower rights, including for record preservation.

MAA Executives Copied via Whistleblower Submission (Previously Notified):

- Amber Fairbanks – Senior Vice President
- Tim Argo – Senior Vice President
- Eric Bolton – Chief Executive Officer
- Clay Holder – Vice President
- Melanie Carpenter – Vice President/Director
- Tom Grimes – Former Executive Vice President
- Joe Fracchia – Executive Vice President
- Scott Andreas – Senior Vice President
- Robert DelPriore – General Counsel
- Albert Campbell – Chief Financial Officer
- Jay Blackman – Chief Operating Officer
- Leslie Wolfgang – Chief Ethics & Compliance Officer
- Anwar Brooks – Employee Relations

All recipients were served via email where addresses are known or available, and/or via U.S. Mail, Express Service, postage prepaid.

Dated this 12th day of May 2025

Respectfully submitted,
/s/ Dennis Michael Philipson

Dennis Michael Philipson
Defendant - Appellant, Pro Se
6178 Castletown Way
Alexandria, VA 22310
Email: dphilipson1980@hotmail.com
Telephone: (949) 432-6184 (mobile)
Dated: May 12, 2025