



Thomas Morgan &lt;tom@ibuy423.com&gt;

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**Plaintiff's Mediation Position Statement – Morgan v. Marion County Government, et al.,  
No. 1:24-cv-00303-TRM-MJD (E.D. Tenn.)**

1 message

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**Robin Flores** <robin@robinfloreslaw.com>

Sun, Feb 1, 2026 at 6:28 PM

To: "Ronald D. Wells" &lt;rwells@smrw.com&gt;, Julie Bowers &lt;juliebowers@robinfloreslaw.com&gt;

Cc: "Debbi L. Wilkey" &lt;dwilkey@smrw.com&gt;

Ron:

Thank you for taking this matter. I have sent in earlier email the complaint, answer, and summary judgment documents for your review. I have summarized those documents in this email.

I have also uploaded to dropbox videos that we will use at trial.

[https://www.dropbox.com/scl/fo/luokec26a1d8cwvwjlnw/  
AF0KXv37\\_qb2phD07uH8vhl?rlkey=2isluxj7r6fdf8lljf7qr13a9&st=8giy8fvb&dl=0](https://www.dropbox.com/scl/fo/luokec26a1d8cwvwjlnw/AF0KXv37_qb2phD07uH8vhl?rlkey=2isluxj7r6fdf8lljf7qr13a9&st=8giy8fvb&dl=0)

**Introduction:**

This civil-rights action arises from two Marion County Commission meetings—January 29, 2024 and June 24, 2024—at which Plaintiff Thomas Morgan was silenced, threatened with removal, and, on January 29, physically removed at the direction of the Commission Chair, Linda Mason, with the assistance of Sheriff Ronnie “Bo” Burnett and Officer Dale Winters. The record includes video evidence, deposition testimony, written discovery, and meeting agendas demonstrating disputes of material fact suitable for a jury on Plaintiff's First, Fourth, and Fourteenth Amendment claims, civil conspiracy, Monell liability, and related state-law torts.

## Key Facts

### 1. January 29, 2024 meeting

(a) Agenda contained “public comment” and topics including Pull Tight Road and Brow Trail Road; no posted time limits.

(b) Mason interrupted and directed Mr. Morgan to the microphone while allowing others to speak away from it; she stated “I’ve never followed rules. I’m opinionated.”

(c) Mason directed Burnett and Winters to remove Mr. Morgan; he was escorted out after asking whether he was under threat of arrest. No criminal charges were filed.

(d) Burnett testified he saw no law-enforcement reason to remove Mr. Morgan and would not have removed him but for Mason’s directive.

### 2. June 24, 2024 meeting

(a) Mr. Morgan was on the agenda; Mason could not identify a specific, published rule he violated; she threatened police involvement, noting she was texting the police.

(b) The exchange reflects viewpoint hostility and inconsistent enforcement of unwritten procedures.

### 3. Lack of neutral rules/training

(a) No clear, posted, or consistently applied rules for public comment, time limits, or microphone use; changes appeared ad hoc after January 2024.

(b) Mason had no training on managing public comment or constitutional rights; commissioners received no such training.

## Claims Overview

1. First Amendment (speech, petition, assembly): Removal and threats targeted Mr. Morgan's criticism and did not rest on neutral, objective rules; removal requires actual material disruption, which the record disputes.
2. Fourth Amendment (seizure): Mr. Morgan was compelled to leave under authority of uniformed officers, with physical contact and the presence of multiple officers—circumstances a jury may find coercive.
3. Civil conspiracy (§ 1983): Mason's directive and coordinated action by Burnett and Winters support a tacit agreement to deprive constitutional rights.
4. Monell (County): Liability based on Mason's ad hoc policymaking and failure to train; meeting protocols were informal, ambiguous, and inconsistently communicated.
5. State-law torts: Assault, battery, and IIED based on coordinated removal, physical contact, and public humiliation.

## Damages and Remedies

- Emotional distress, humiliation, loss of sleep, fear of county law enforcement; no criminal charges were filed.
- Nominal damages remain available even absent proof of actual injury, and presumed/general damages are cognizable for First Amendment violations.

## Attorney's Fees If Plaintiff Prevails

- Plaintiff seeks reasonable attorney's fees and costs as the prevailing party. Plaintiff's counsel has maintained contemporaneous timesheets reflecting 132 hours at \$375.00 per hour, for a current lodestar of \$49,500.00, plus taxable costs. I have kept my time, and I have attached a summary for my time as of 1-28-26.
- Critically, Plaintiff can obtain attorney's fees even if the jury awards no or nominal damages because nominal relief suffices to vindicate constitutional rights and to confer prevailing-party status for purposes of fee-shifting.

## **Settlement Posture**

- Plaintiff is prepared to discuss a global resolution that includes: (a) compensatory and nominal damages [amounts to be determined]; (b) entry of a consent decree or stipulated injunction addressing neutral, published meeting procedures and basic training on public-comment management and constitutional rights [terms to be determined]; and (c) payment of attorney's fees and costs based on the current lodestar, with a reasonable multiplier or adjustment only if warranted by results obtained [to be determined]. [no document citation available]
- Plaintiff believes that the video evidence is overwhelming, thus ensuring the matter survives summary judgment. The same applies at trial.

## **Conclusion**

The videos, sworn testimony, and discovery present triable issues regarding viewpoint discrimination, unlawful seizure, conspiracy, and municipal liability. Mediation is an opportunity to resolve these claims efficiently, compensate Mr. Morgan, implement neutral meeting protocols, and address fee exposure that will accrue through trial.

Robin Ruben Flores

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**From:** Ronald D. Wells <[rwells@smrw.com](mailto:rwells@smrw.com)>

**Sent:** Wednesday, January 28, 2026 11:22 AM

**To:** Julie Bowers <[juliebowers@robinfloreslaw.com](mailto:juliebowers@robinfloreslaw.com)>

**Cc:** Debbi L. Wilkey <[dwilkey@smrw.com](mailto:dwilkey@smrw.com)>; Robin Flores <[robin@robinfloreslaw.com](mailto:robin@robinfloreslaw.com)>

**Subject:** RE: Morgan v. Marion Co. Mediation

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**Ronald D. Wells**  
Shareholder

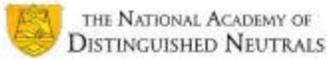
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**From:** Julie Bowers <[juliebowers@robinfloreslaw.com](mailto:juliebowers@robinfloreslaw.com)>  
**Sent:** Wednesday, January 28, 2026 10:14 AM  
**To:** Ronald D. Wells <[rwells@smrw.com](mailto:rwells@smrw.com)>  
**Cc:** Debbi L. Wilkey <[dwilkey@smrw.com](mailto:dwilkey@smrw.com)>; Robin Flores <[robin@robinfloreslaw.com](mailto:robin@robinfloreslaw.com)>  
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Attached are the following documents in connection with the above mediation:

- Complaint

- Answer of Marion County
- Motion for Summary Judgment
- Plaintiff's Response in Opposition to Motion for Summary Judgment
- Defendant's Reply to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment

Please let us know if you need anything further from us.

Thanks!

**Julie C. Bowers**

Sr. Paralegal to Robin Flores, Esq.

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 **MORGAN ATTORNEY TIME SUMMARY.pdf**  
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