

FILED

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2010 AUG -9 PM 3: 53

RICHARD R. ROOPER, CLERK

PAMELA MURRAY,  
Plaintiff,

v.

JAMIE HOLLINS, MIKE PEDEN,  
JAN MORRISON, ANDY REUTER,  
SAM McCULLOUGH, AMY BRYSON,  
PRECILLA EATON, LARRY EATON,  
TOM HAZELIP, TERI MISSILDINE,  
JAMES HARNEY, and BRENDA ROSS,  
individually and as members of  
"WE THE PEOPLE OF DISTRICT 5"

CHY  
No. \_\_\_\_\_  
1003063

COMPLAINT FOR DEFAMATION OF CHARACTER

Comes now Plaintiff and, for Complaint in this cause, would show the Court as follows:

I. NATURE OF THE CLAIM

1. Plaintiff Pamela Murray brings this action against the Defendants named herein for compensatory and punitive damages arising out of their intentional and malicious misconduct in defaming her through knowingly false and defamatory extra-judicial statements published in writing in the form of neighborhood petitions and

election campaign material, as well as on the internet, which has severely damaged her personal and public reputation.

## II. THE PARTIES

2. Plaintiff Pamela Murray is a citizen and resident of Nashville and Davidson County, Tennessee. At all times material to this cause, Plaintiff was the duly elected representative to the Metropolitan Council of Nashville and Davidson County from District 5, a position she held from 2003 to November, 2009. By virtue of her office, Plaintiff is a public figure for purposes of pursuing claims for defamation of character.

3. Defendant Jamie Hollins is a citizen and resident of Nashville and Davidson County. At all times material to this cause, Defendant Hollins was a resident and registered voter in Councilmanic District 5. An attorney by profession, Defendant Hollins was the chief organizer of the unincorporated political association known as "We the People of District 5" and the author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Hollins is being sued both in his individual capacity and as an officer of "We the People of District 5."

4. Defendant Mike Peden is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Peden was a property owner in Councilmanic District 5 but was not a resident nor a registered voter in this District. A real estate investor and developer by profession, Defendant Hollins was an active participant with Defendant Hollins in the unincorporated political association known as

“We the People of District 5” and the author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Peden is being sued both in his individual capacity and as a member of “We the People of District 5.”

5. Defendant Jan Morrison is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Morrison was a resident and registered voter in Councilmanic District 5. Defendant Morrison was a homemaker and was an active participant with Defendant Hollins in the unincorporated political association known as “We the People of District 5.” She was the author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Morrison is being sued both in her individual capacity and as a member of “We the People of District 5.”

6. Defendant Andy Reuter is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Reuter was a resident and registered voter in Councilmanic District 5. Associated with several local real estate investors and developers, Defendant Reuter was an active participant with Defendant Hollins in the unincorporated political association known as “We the People of District 5” and the author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Reuter is being sued both in his individual capacity and as a member of “We the People of District 5.”

7. Defendant Sam McCullough is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant McCullough was a resident and

registered voter in Councilmanic District 5. An unsuccessful candidate in 2007 for Plaintiff's Council seat in District 5 and owner of rental properties in the neighborhood, Defendant McCullough was an active participant with Defendant Hollins in the unincorporated political association known as "We the People of District 5" and the author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant McCullough is being sued both in his individual capacity and as a member of "We the People of District 5."

8. Defendant Amy Bryson is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Bryson was a resident and registered voter in Councilmanic District 5. A real estate agent and real estate investor by profession, Defendant Bryson was an active participant with Defendant Hollins in the unincorporated political association known as "We the People of District 5" and author and publisher of the defamatory statements against Plaintiff which are the subject of this action. Defendant Bryson is being sued both in her individual capacity and as a member of "We the People of District 5."

9. Defendant Precilla Eaton is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Precilla Eaton was a resident and registered voter in Councilmanic District 5. A real estate investor by profession, Defendant Precilla Eaton was an active participant with Defendant Hollins in the unincorporated political association known as "We the People of District 5" and author and publisher of many of the defamatory statements against Plaintiff which are the

subject of this action. Defendant Precilla Eaton is being sued both in her individual capacity and as a member of "We the People of District 5."

10. Defendant Larry Eaton is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Larry Eaton was a resident and registered voter in Councilmanic District 5. In 2003, Plaintiff defeated Larry Eaton in the election for council representative for Councilmanic District 5. A real estate investor by profession, Defendant Larry Eaton was an active participant with Defendant Hollins in the unincorporated political association known as "We the People of District 5" and author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Larry Eaton is being sued both in his individual capacity and as a member of "We the People of District 5."

11. Defendant Tom Hazelip is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Hazelip was a resident and registered voter in Councilmanic District 5. A real estate investor by profession, Defendant Hazelip was a prime mover with Defendant Hollins in the unincorporated political association known "We the People of District 5" and author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Tom Hazelip is being sued both in his individual capacity and as a member of "We the People of District 5."

12. Defendant Teri Missildine is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Missildine was a resident and registered voter in Councilmanic District 5. Defendant Missildine was an active

participant with Defendant Hollins in the unincorporated political association known as “We the People of District 5.” She was the author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Missildine is being sued both in her individual capacity and as a member of “We the People of District 5.”

13. Defendant James Harney is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Harney was a resident and registered voter in Councilmanic District 5. A real estate investor by profession, Defendant Harney was an active participant with Defendant Hollins in the unincorporated political association known as “We the People of District 5.” He was the author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Harney is being sued both in his individual capacity and as a member of “We the People of District 5.”

14. Defendant Brenda Ross is a citizen and resident of Davidson County, Tennessee. At all times material to this cause, Defendant Ross was a resident and registered voter in Councilmanic District 5. An employee of a local non-profit corporation, Defendant Ross was an active participant with Defendant Hollins in the unincorporated political association known as “We the People of District 5” and author and publisher of many of the defamatory statements against Plaintiff which are the subject of this action. Defendant Ross is being sued both in her individual capacity and as a member of “We the People of District 5.”

THE FACTS

15. In the Spring of 2009, Plaintiff was publicly criticized by Defendant Jamie Hollins in the local print media and/or television and radio and/or on the Internet for allegedly misrepresenting her residency status in Councilmanic District 5 and her employment status as being within Tennessee.

16. Defendant Jamie Hollins then organized an unincorporated political association of voters and/or property owners in Councilmanic District 5 under the name of "We the People of District 5." All of the named Defendants hereinabove were members of, or representatives of, "We the People of District 5." Each of these Defendants was unhappy with Plaintiff's sponsorship of various zoning legislation which may have had an adverse effect on their plans for future real estate developments within Councilmanic District 5. The sole purpose of this organization was to defame the character of Plaintiff and to organize a petition for a recall election to unseat Plaintiff from her position as Council Representative for District 5.

17. "We the People of District 5," with Defendant Jamie Hollins as President, began meeting in May, 2009, on a regular basis in the late evenings at the home of Defendant Tom Hazelip at 200 Trentland Street, and the house of James Harney at 302 Hancock Street, and at other locations, to plan for a special election for the recall of Plaintiff as Council Representative for District 5.

18. During these meetings, which continued from May through November, 2009, Defendant Hollins and the other named Defendants conspired not only to publish false statements regarding Plaintiff's character, her residency, and her employment status

in order to initiate a petition for a special election to recall Plaintiff and also to promote the candidacy of Defendant Hollins as her replacement as Council Representative for District 5. These statements were made and published with actual malice.

19. Beginning in mid-August, 2009, Defendants conspired to draft the following false and defamatory statements impugning the character, veracity, and integrity of Plaintiff and published these defamatory statements by hand-delivery, door-to-door, to each registered voter's house in the Councilmanic District 5.

“Detroit City Limit  
Home of Metro Council Member”

“Our Current Council Member

- Lives and works in Detroit, Michigan
- Supports out-of-town landlords instead of our neighbors
- Misused nearly \$40,000 of your tax dollars
- Is under investigation for lying about working in Detroit since 2003”

This publication, in the form of election campaign literature, was paid for by “We the People of District 5.” [See Exhibit A attached hereto and incorporated by reference herein.]

20. In addition, the Defendants published the defamatory statement on petition cards that Plaintiff should be removed as Council Representative “because of the dereliction of her duties and responsibilities to represent the citizens and residents of Councilmanic District 5 while “living and working in Detroit, Michigan.” Each of the Defendants hand-delivered these petition cards and campaign literature to registered voters in District 5. [See Exhibit B attached hereto and incorporated by reference herein.]

21. Each of the above defamatory statements is untrue and was known by each Defendant to be untrue when they were published door-to-door throughout Councilmanic District 5 by each Defendant named herein.

22. In addition, Defendant Jamie Hollins published these defamatory statements about Plaintiff on his website and on the Internet, which statements can still be seen and read as of the date the Complaint is filed.

23. Plaintiff has been contacted by friends and colleagues as far away as Ghana, West Africa, who had seen these defamatory statements on the Internet.

24. In addition, Defendant Mike Peden sent e-mails to state officials in Michigan accusing Plaintiff of ethics violations which were untrue and known by Defendant Peden to be untrue when he sent them. This was done for the express purposes of disrupting Plaintiff's relationship as a professional consultant with certain state agencies and non-profit agencies in Michigan.

25. The foregoing statements made and published by the named Defendants herein about Plaintiff inflicted devastating harm to her personal and professional reputation, causing her to become temporarily suspended from her consulting work, causing her to lose her seat as Council Representative for District 5 to Defendant Jamie Hollins, resulting in public humiliation and embarrassment and mental distress for having been publicly defamed as being the first elected official in Davidson County to be the subject of a successful recall election.

26. At the time Defendants published these remarks about Plaintiff with actual malice, that is, they knew the statements to be false and they acted maliciously and

recklessly in their lack of care and disregard for the truth and accuracy of their statements about Plaintiff.

27. As a direct and proximate result of Defendants' widespread publication, republication, and distribution of these false statements about Plaintiff, she has suffered, and continues to suffer, mental anguish, embarrassment, humiliation, and emotional suffering and injury to reputation, loss of earning capacity, and loss of enjoyment of life for which she is entitled to judgment.

#### **IV. CAUSE OF ACTION**

##### **A. Libel**

28. Plaintiff incorporates by reference the allegations contained in paragraphs 1-27 and does hereby further allege and aver as follows:

29. T.C.A. §2-19-142 provides as follows:

“It is a Class C misdemeanor for any person to publish or distribute or cause to be published or distributed any campaign literature in opposition to any candidate in any election if such person knows that any such statement, charge, allegation, or other matter contained therein with respect to such candidate is false.”

30. At the time Defendants drafted and published the statements about Plaintiff described above with actual malice, that is, the statements were false and therefore in violation of T.C.A. §2-19-142 when the statements were made.

31. Defendants' unlawful dissemination, publication, and republication of these statements in campaign material and elsewhere around the world on the Internet

recklessly and maliciously defames Plaintiff and holds her open to ridicule in the eyes of the public and of her peers.

32. As a result of Defendants' unlawful acts as stated herein, and their libelous attack upon the person and reputation of Plaintiff, she has suffered and continues to suffer damage, both personally and to her personal and professional reputation, and her reputation in the community, all to her irreparable harm, for which her only remedy is an action for libel and damages resulting therefrom.

33. Defendants' libelous publication, republication, and dissemination of the statements in question have damaged Plaintiff in an amount to be determined by a jury.

**B. Libel and Abuse of Process**

34. On August 31, 2009, Defendant Teri Missildine filed a complaint with the Metropolitan Clerk's Office against Plaintiff for an alleged violation of the ethical standards of conduct for members of the Metropolitan Council. This complaint was not notarized as required by law, nor did it contain a summary of facts which allegedly gave rise to the complaint, nor an explanation of why those facts constitute a violation of the standard of conduct. [See copy of Ethics Complaint dated 8/31/09, attached hereto as Exhibit C and incorporated by reference herein.]

35. On September 1, 2009, the Metropolitan Clerk wrote the Defendant Missildine to resubmit her complaint with her notarized signature and provide more detailed information to support her allegation of an ethics violation by Plaintiff. [See

copy of Metro Clerk's letter to Defendant Missildine dated 9/1/09, attached hereto as Exhibit D and incorporated by reference herein.]

36. Because Defendant Missildine did not resubmit her "ethics complaint" as requested by the Metropolitan Clerk, it was never investigated, and was subsequently dismissed.

37. The purpose of filing this false ethics complaint against Plaintiff was to provide some basis for the false statements made by Defendants that Plaintiff was under investigation for lying about working in Detroit.

38. The filing of this ethics complaint was knowingly done with malice and without probable cause to further tarnish Plaintiff's character and reputation for the purpose of removing Plaintiff from the office of Council Representative for District 5 through a recall election.

39. These actions of Defendant Missildine described in paragraphs 34-38 above constitute abuse of process, as well as defamation of character, for which Plaintiff is entitled to judgment.

**PRAYER FOR RELIEF**

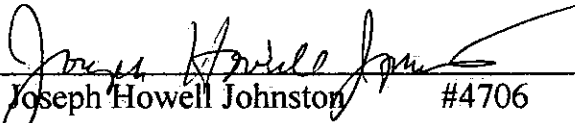
WHEREFORE, Premises Considered, Plaintiff prays:

1. that she have a trial by jury;
2. that she be awarded compensatory damages against each Defendant in the amount of \$500,000.00;

3. that she be awarded punitive damages against each Defendant in the amount of \$500,000.00; and

4. that Plaintiff have such other general and equitable relief as may be necessary and proper in this cause, including the costs of this cause.

Respectfully Submitted,

By:   
Joseph Howell Johnston #4706  
P.O. Box 120874  
Acklen Station  
Nashville, TN 37212  
615-383-2119  
ATTORNEY FOR PLAINTIFF