

ORIGINAL

FILED

IN THE TENNESSEE COURT OF THE JUDICIARY

2009 NOV 23 PM 12:13

**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

APPELLATE COURT CLERK
NASHVILLE

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

MOTION TO COMPEL

COMES NOW Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, pursuant to Rules 26, 33, 34, 36 and 37, Tennessee Rules of Civil Procedure, and would respectfully move the Court for an Order compelling The Honorable John A. Bell to answer discovery heretofore propounded and as grounds therefore would state as follows:

1. Contemporaneously with the filing of the Formal Charges in this action, Disciplinary Counsel for the Court of the Judiciary propounded certain items of written discovery.

2. In documents filed by counsel for The Honorable John A. Bell, no substantive answers were provided to the written discovery described in Paragraph 1 (Collective Ex. A).

3. The Honorable John A Bell in his "Responses and Objections to Requests For Admissions" chose to recite on no less than 14 occasions "Judge Bell hereby invokes his privilege against self-incrimination, and objects to this request on that ground."

Included in the matters The Honorable John A. Bell chose not to admit, were the following Requests:

1. That you were at all times relevant herein (as described in the original Complaint in this action), a full time judge of the General Sessions Court of Cocke County, Tennessee, as described in TCA Section 16-15-502.

RESPONSE:

2. That at all times relevant to the Complaint filed in this action, the Judicial Canons of Ethics or Code of Judicial Conduct applied to you.

RESPONSE:

3. That in your capacity as General Sessions Judge you heard a case assigned docket number 2007–CV–869 on September 18, 2007 at 9:00 a.m., being a civil action brought by David J. Pleau, “policy #TNA11181953 for failure to pay damages resulting from accident with an uninsured motorist on 12-29-07 under \$5,000.”

RESPONSE:

4. That on the 18th day of September, 2007, the case described in previous Request No. 3 was, following the hearing, taken under advisement.

RESPONSE:

5. That at the hearing of the case described in previous Request No. 3, the defendant insurance company, through counsel, moved the court to dismiss the complaint as a result of the fact that Mr. Pleau was in this complaint suing directly his own uninsured motorist carrier as opposed to suing the uninsured motorist.

RESPONSE:

6. That at the hearing of the case described in previous Request No. 3, that you announced that you would have a decision in one week.

RESPONSE:

7. That following the hearing of the case described in previous Request No. 3, the plaintiff Mr. Pleau asked you on more than one

occasion to rule on the case and that you assured him that the decision would be forthcoming immediately.

RESPONSE:

8. That following the hearing on September 18, 2007 of the case described in previous Request No. 3, on June 27, 2008, you ruled in the case.

RESPONSE:

9. That your ruling described herein in the preceding Request No. 8 made findings of fact as to the cause of the underlying automobile collision and the related damages, and that these findings demonstrated your finding and opinion as to the responsibility or the cause of the accident as well as the amount of damages and ascribed the negligent conduct to the driver of the "other vehicle."

RESPONSE:

10. That on December 23, 2008, in your capacity as General Sessions Judge, you entered an order which vacated the previous dismissal and further encouraged Mr. Pleau to file a new action against "the other driver" whose name is Jo Ann Coleman, and that David J. Pleau filed a second complaint concerning the subject automobile accident which was styled David Joseph Pleau vs. Jo Ann Coleman, Docket No. 2008-CV-1186.

RESPONSE:

11. That on April 27, 2009, you rendered a decision in favor of Mr. Pleau and against Jo Ann Coleman and Merastar Insurance Company which basically recited the same findings of facts and conclusions as had previously been determined by Judge Bell. On this occasion these findings were made against Jo Ann Coleman who was pro se at these proceedings and was found to be one hundred percent at fault for the collision and a judgment was rendered against her in the sum of \$4,726.78.

RESPONSE:

12. That in January, 2009, or early February, 2009, you initiated a meeting and/or met with a local attorney, a Mr. Testerman and at that time, discussed the complaint of Mr. Pleau which had been filed in the Court of the Judiciary.

RESPONSE:

None of the aforementioned Requests can, reasonably or plausibly, be such as to potentially cause consequences such that a self-incrimination claim is properly made.

3. In his “Responses and Objections to Interrogatories,” The Honorable John A Bell chose to recite on no less than 19 occasions, including Interrogatories 1-16 (with the exception of Interrogatory 11, for which no response at all was made) and Interrogatories 22-25 “Judge Bell hereby invokes his privilege against self-incrimination, and objects to this interrogatory on that ground.”

On Interrogatories 17-21, in addition to the foregoing “self-incrimination” objection, The Honorable John A. Bell also asserted an attorney client privilege.

Included in the matters The Honorable John A. Bell chose not to answer, were the following Interrogatories:

No. 1: State your full name, residence address, professional address, telephone numbers (home, office and cellular), social security number, and date of birth.

RESPONSE:

No. 2: State the date(s) you were sworn into office as Judge of the General Sessions Court of Cocke County, Tennessee.

RESPONSE:

No. 3: State all email addresses you have used in your capacity as Judge of the General Sessions Court of Cocke County, Tennessee, and the dates each and every such email address had been used, including any personal email addresses which were used relative to or in your capacity of General Sessions Judge.

RESPONSE:

No. 4: Describe in full any and all training, education, and seminars you have received or attended in Judicial Ethics, or involving Judicial Ethics including but not limited to dates, locations, hours completed, full subject matter, faculty members, and hours claimed, if any, toward any continuing education requirements to which you may be subject.

RESPONSE:

No. 5. State if in your capacity as General Sessions Judge you heard a case assigned docket number 2007–CV–869 on September 18, 2007 at 9:00 a.m., being a civil action brought by David J. Pleau, “policy #TNA11181953 for failure to pay damages resulting from accident with an uninsured motorist on 12-29-07 under \$5,000.”

RESPONSE:

No. 6: State if on the 18th day of September, 2007, the case described in previous Interrogatory No. 5 was, following the hearing, taken under advisement.

RESPONSE:

No. 7: State whether or not at the hearing of the case described in previous Interrogatory No. 5, the defendant insurance company, through counsel, moved the court to dismiss the complaint as a result of the fact that Mr. Pleau was in this complaint suing directly his own uninsured motorist carrier as opposed to suing the uninsured motorist, and if the answer is in the affirmative, state whether or not you learned at any time that the provisions of Tennessee Code Annotated 56-7-1206 precluded suit against the carrier directly and if so the length of time it took you to reach that conclusion

RESPONSE:

No. 8: State whether or not at the hearing of the case described in previous Interrogatory No. 5, that you announced that you would have a decision in one week.

RESPONSE:

No. 9: State whether or not that following the hearing of the case described in previous Interrogatory No. 5, the plaintiff Mr. Pleau asked you on more than one occasion to rule on the case and that you assured him that the decision would be forthcoming immediately.

RESPONSE:

No. 10: If the answer to the preceding Interrogatory No. 10 is "yes," for each such occasion, state:

- (a) the date of the contact;
- (b) whether or not it was in person, in writing or by telephone;
- (c) if in person, the location;
- (d) if by telephone, where you were located during the call;
- (e) the nature and content of each conversation, in detail
- (f) any witnesses to any such contact;
- (g) whether or not you advised Mr. Pleau at any time that you could not speak to him on an ex parte basis.

RESPONSE:

No. 11: State whether or not that following the hearing on September 18, 2007 of the case described in previous Interrogatory No. 5, on June 27, 2008, you ruled in the case.

RESPONSE:

No. 12: State any and all steps taken by you or efforts taken by you to communicate your ruling described in Interrogatory No. 11 to the parties.

RESPONSE:

No. 13: Describe any and all records, in any form, concerning the case described in these Interrogatories including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, and for each such record identify its location or locations, at all times since September 18, 2007.

RESPONSE:

No. 14: State whether or not your ruling described herein made findings of fact as to the cause of the underlying automobile collision and the related damages, and that these findings demonstrated your finding and opinion as to the responsibility or the cause of the accident as well as the amount of damages and ascribed the negligent conduct to the driver of the "other vehicle."

RESPONSE:

No. 15: State whether or not on December 23, 2008, in your capacity as General Sessions Judge, you entered an order which vacated the previous dismissal and further encouraged Mr. Pleau to file a new action against "the other driver" whose name is Jo Ann Coleman, and that David J. Pleau filed a second complaint concerning the subject automobile accident which was styled David Joseph Pleau vs. Jo Ann Coleman, Docket No. 2008-CV-1186.

RESPONSE:

No. 16: State whether or not on April 27, 2009, you rendered a decision in favor of Mr. Pleau and against Jo Ann Coleman and Merastar Insurance Company which recited the same findings of facts and conclusions as had previously been determined by Judge Bell. On this occasion these findings were made against Jo Ann Coleman who was present at these proceedings and was found to be one hundred percent at fault for the collision and a judgment was rendered against her in the sum of \$4,726.78.

RESPONSE:

No. 17: State whether or not in January, 2009, or early February, 2009, you initiated a meeting and/or met with a local attorney, a Mr. Testerman and at that time, discussed the complaint of Mr. Pleau which had been filed in the Court of the Judiciary.

RESPONSE:

...

No. 21: State the identity of any and all witnesses or persons with any knowledge of any matters described in your responses to the Interrogatories herein, and for each state their name, address, and telephone number or numbers.

RESPONSE:

No. 22: State the location and custodian of any written, computer or data records of any nature regarding or concerning any matter stated or described either in the preceding interrogatories or your responses thereto.

RESPONSE:

No. 23: Describe the dates and any and all records, in any form, concerning your service as Judge of the General Sessions Court of Cocke County, Tennessee, including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda and personnel, and for each such record identify its location or locations, from September 18, 2007 through and including June 27, 2008.

RESPONSE:

No. 24: State the number of times you have engaged in the appointment or selection of substitute or special judges, or the dates and times any such judges were used for any absences by you from your service as Judge of the General Sessions Court of Cocke County, Tennessee, from September 18, 2007 through and including June 27, 2008.

RESPONSE:

No. 25: For each and every date named or described in the preceding Interrogatory No. 24, identify the following:

- (a) reason for your absence;
- (b) date of such absence;
- (c) identify of the special or substitute judge;

RESPONSE:

None of the aforementioned Interrogatories can, reasonably or plausibly, be such as to potentially cause consequences such that a self-incrimination claim is properly made.

4. In his "Responses and Objections to Requests For Production of Documents," The Honorable John A Bell chose to recite on 5 occasions, including Request For Production of Documents 1-5, "Judge Bell hereby invokes his privilege against self-incrimination, and objects to this interrogatory on that ground."

On Request 6, in addition to the foregoing "self-incrimination" objection, The Honorable John A. Bell also asserted an attorney client privilege.

The Requests For Production of Documents to which the foregoing refusals to respond included the following:

Request No. 1: Produce any documents identifying you as Judge of the General Sessions Court of Cocke County, Tennessee.

RESPONSE:

Request No. 2: Produce any documents evidencing or establishing any and all training, education, and seminars you have received or attended in Judicial Ethics, or involving Judicial Ethics from and during your tenure as Judge of the General Sessions Court of Cocke County, Tennessee.

RESPONSE:

Request No. 3: Produce any and all documents and/or records, in any form, concerning court dockets and your attendance at court dockets you have maintained or which have been maintained by any person, firm, or entity, concerning your duties as Judge of the General Sessions Court of Cocke County, Tennessee, including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, and for each such record identify its location or locations, from September 18, 2007 through and including June 28, 2008.

RESPONSE:

Request No. 4: Produce any and all documents or records relating to any and all vacation days, personal days, military days, holidays, sick days, leave days or any and all other absences provided to you or sanctioned for you in your capacity as Judge of the General Sessions Court of Cocke County, Tennessee, from September 18, 2007 through and including June 28, 2008.

RESPONSE:

Request No. 5: Produce any and all records, in any form, concerning the case or cases described in the Complaint filed in this action to which reference is hereby made, including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, research, and for each such record identify its location or locations, at all times since September 18, 2007.

RESPONSE:

None of the aforementioned Requests For Production of Documents can, reasonably or plausibly, be such as to potentially cause consequences such that a self-incrimination claim is properly made.

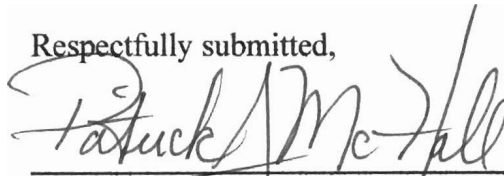
5. In asserting privilege, The Honorable John A. Bell has failed to comply with Rule 26.02 (5), Tennessee Rules of Civil Procedure,

(5) Claims of Privilege or Protection of Trial Preparation Materials.

When a party withholds information otherwise discoverable under the rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege protection.

NOTICE is hereby given that the undersigned will appear before the Honorable Don R. Ash, Presiding Judge, Court of the Judiciary, at his courtroom, 4th Floor, Judicial Bldg., Public Square, Murfreesboro, Tennessee on the 30th day of November, 2009, at 3:00 p.m. central standard time, for a hearing on this Motion.

Respectfully submitted,



JOSEPH S. DANIEL #002799

Disciplinary Counsel

PATRICK J. McHALE, #004643

Assistant Disciplinary Counsel

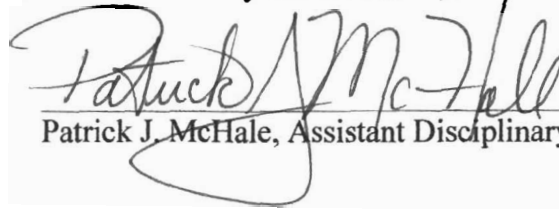
503 North Maple Street

Murfreesboro, TN 37130

Phone (615) 898-8004

Certificate of Service

I certify that a true and exact copy of the foregoing has been mailed, delivered, and/or transmitted by facsimile to Mr. Gordon Ball, BALL & SCOTT Law Offices, Attorneys at Law, Attorney for The Honorable John A. Bell, 550 W. Main Street, Suite 601, Knoxville, Tennessee 37902, on this the 23rd day of November, 2009.

A handwritten signature in black ink, reading "Patrick J. McHale", written over a horizontal line. The signature is cursive and somewhat stylized.

Patrick J. McHale, Assistant Disciplinary Counsel

FILED

IN THE TENNESSEE COURT OF THE JUDICIARY

2009 NOV 16 AM 9:11

**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

APPELLATE COURT CLERK
NASHVILLE

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

RESPONSES AND OBJECTIONS TO INTERROGATORIES

NOW INTO COURT comes The Honorable John A. Bell, Judge, General Sessions Court, Cocke County, Tennessee (“Judge Bell”), pursuant to Tennessee Rule of Civil Procedure 33, and responds to Disciplinary Counsel’s Interrogatories as follows:

I. PRELIMINARY OBJECTIONS

A. Privilege Against Self-Incrimination – Fifth Amendment of the United States Constitution and Article I, §9 of the Tennessee Constitution. The Formal Charges filed against Judge Bell charge him, among other things, with “obstructing justice and governmental administration,” “obstructing and interfering with evidence or witnesses and witness tampering,” and engaging in a conspiracy to subvert justice and the operation of the statutory Court of the Judiciary.” Specifically, the Formal Charges allege that Judge Bell is guilty of Class C, D and E felonies, as set forth in Tenn. Code Ann. § 39-16-107 (the “witness tampering” statute) and Tenn. Code Ann. § 39-16-402 (the “Official Misconduct” statute). Based upon those allegations and the delineated charges of criminal offenses, Judge Bell has been advised by counsel to assert and invoke, and hereby does respectfully assert and invoke, his privilege against self-incrimination

guaranteed by the Fifth Amendment of the United States Constitution and under Article I, Section 9 of the Tennessee Constitution, and therefore, must respectfully refuse to answer the Interrogatories propounded unto him.

B. Attorney-Client Privilege. Insofar as any of the Interrogatories seek information relative to any communications between Judge Bell and his counsel, including attorney Tom Testerman, of the Cocke County bar, Judge Bell respectfully asserts and invokes the attorney-client privilege.

II. GENERAL OBJECTIONS

A. Judge Bell objects to the Interrogatories to the extent they purport to impose obligations and require procedures beyond those set forth in the Tennessee Rules of Civil Procedure and all other applicable laws and rules.

B. Judge Bell objects to the Interrogatories to the extent they purport to require the disclosure of information protected from disclosure by the attorney-client privilege, the work-product doctrine or any other applicable privilege, law or rule. Judge Bell hereby claims such privileges and protections to the extent implicated by each of the Requests and will exclude such privileged information from its responses. Any inadvertent disclosure of such privileged or protected information is not intended to waive those privileges or protections.

C. Judge Bell objects to the Interrogatories to the extent they purport to require the disclosure of information that is not presently in the possession, custody or control of Judge Bell.

D. Judge Bell objects to the Interrogatories to the extent they are overbroad, unduly burdensome and are not reasonably calculated to lead to the discovery of relevant information.

E. Judge Bell's failure to object on any particular ground shall not be construed as a waiver of his right to object on any additional ground.

F. In making these objections, Judge Bell does not in any way waive or intend to waive, but rather preserves and intends to preserve:

1. all rights to object on any ground to the competency, relevancy, materiality and admissibility of any information that may be provided in response to the Interrogatories or the subject matter thereof;

2. all rights to object on any ground to the use of any information or document that may be provided in response to the Interrogatories or subject matter thereof; and

3. all rights to object on any ground to any request for further responses to this or any other discovery request.

III. INTERROGATORIES:

INTERROGATORY NO. 1: State your full name, residence address, professional address, telephone numbers (home, office and cellular), social security number, and date of birth.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 2: State the date(s) you were sworn into office as Judge of the General Sessions Court of Cocke County, Tennessee.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 3: State all email addresses you have used in your capacity as Judge of the General Sessions Court of Cocke County, Tennessee, and the dates each and every such email address had been used, including any personal email addresses which were used relative to or in your capacity of General Sessions Judge.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 4: Describe in full any and all training, education, and seminars you have received or attended in Judicial Ethics, or involving Judicial Ethics including but not limited to dates, locations, hours completed, full subject matter, faculty members, and hours claimed, if any, toward any continuing education requirements to which you may be subject.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 5: State if in your capacity as General Sessions Judge you heard a case assigned docket number 2007–CV–869 on September 18, 2007 at 9:00 a.m., being a civil action brought by David J. Pleau, “policy #TNA11181953 for failure to pay damages resulting from accident with an uninsured motorist on 12-29-07 under \$5,000.”

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 6: State if on the 18th day of September, 2007, the case described in previous Interrogatory No. 5 was, following the hearing, taken under advisement.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 7: State whether or not at the hearing of the case described in previous Interrogatory No. 5, the defendant insurance company, through counsel, moved the court to dismiss the complaint as a result of the fact that Mr. Pleau was in this complaint suing directly his own uninsured motorist carrier as opposed to suing the uninsured motorist, and if the answer is in the affirmative, state whether or not you learned at any time that the provisions of Tennessee Code Annotated 56-7-1206 precluded suit against the carrier directly and if so the length of time it took you to reach that conclusion.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 8: State whether or not at the hearing of the case described in previous Interrogatory No. 5, that you announced that you would have a decision in one week.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 9: State whether or not that following the hearing of the case described in previous Interrogatory No. 5, the plaintiff Mr. Pleau asked you on

more than one occasion to rule on the case and that you assured him that the decision would be forthcoming immediately.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 10: If the answer to the preceding Interrogatory No. 10 is "yes," for each such occasion, state:

- (a) the date of the contact;
- (b) whether or not it was in person, in writing or by telephone;
- (c) if in person, the location;
- (d) if by telephone, where you were located during the call;
- (e) the nature and content of each conversation, in detail
- (f) any witnesses to any such contact;
- (g) whether or not you advised Mr. Pleau at any time that you could not speak to him on an ex parte basis.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 11: State whether or not that following the hearing on September 18, 2007 of the case described in previous Interrogatory No. 5, on June 27, 2008, you ruled in the case.

INTERROGATORY NO. 12: State any and all steps taken by you or efforts taken by you to communicate your ruling described in Interrogatory No. 11 to the parties.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 13: Describe any and all records, in any form, concerning the case described in these Interrogatories including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, and for each such record identify its location or locations, at all times since September 18, 2007.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 14: State whether or not your ruling described herein made findings of fact as to the cause of the underlying automobile collision and the related damages, and that these findings demonstrated your finding and opinion as to the responsibility or the cause of the accident as well as the amount of damages and ascribed the negligent conduct to the driver of the “other vehicle.”

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 15: State whether or not on December 23, 2008, in your capacity as General Sessions Judge, you entered an order which vacated the previous dismissal and further encouraged Mr. Pleau to file a new action against “the other driver” whose name is Jo Ann Coleman, and that David J. Pleau filed a second complaint concerning the subject automobile accident which was styled David Joseph Pleau vs. Jo Ann Coleman, Docket No. 2008–CV–1186.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 16: State whether or not on April 27, 2009, you rendered a decision in favor of Mr. Pleau and against Jo Ann Coleman and Merastar

Insurance Company which recited the same findings of facts and conclusions as had previously been determined by Judge Bell. On this occasion these findings were made against Jo Ann Coleman who was pro se at these proceedings and was found to be one hundred percent at fault for the collision and a judgment was rendered against her in the sum of \$4,726.78.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 17: State whether or not in January, 2009, or early February, 2009, you initiated a meeting and/or met with a local attorney, a Mr. Testerman and at that time, discussed the complaint of Mr. Pleau which had been filed in the Court of the Judiciary.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

INTERROGATORY NO. 18: If the answer to preceding Interrogatory No. 17 is in the affirmative, describe in full the nature and content of the meeting or meetings, the location or locations of the meetings, and describe any witnesses, unless it is your intention to claim a privilege in which event state the basis for your claim of any privilege.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground. Judge Bell also objects to this request on

the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

INTERROGATORY NO. 19: State whether or not at any time you asked, encouraged, or enlisted Mr. Testerman in any fashion, to approach Mr. Pleau on your behalf, to make a direct and unequivocal effort to induce Mr. Pleau to cease the pursuit of his complaint in the Court of the Judiciary.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

INTERROGATORY NO. 20: State any and all dialogue, contact, verbal conversations, or written communications with Mr. Testerman, in addition to any previously described, pertaining to, relating to, or in any way and for any portion therein, the complaint of Mr. Pleau against you, in the Court of the Judiciary, during the entire year of 2009, and for each state the following:

- (a) the date;
- (b) the location;
- (c) the persons present;
- (d) whether verbal or written;
- (e) whether or not in person or by telephone;
- (f) if by telephone the phone number or numbers used by you;
- (g) if by telephone the phone number or numbers used by Mr.

Testerman;

(h) if in writing whether by letter , other written correspondence, electronic mail, text message, fax or other device.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

INTERROGATORY NO. 21: State the identity of any and all witnesses or persons with any knowledge of any matters described in your responses to the Interrogatories herein, and for each state their name, address, and telephone number or numbers.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

INTERROGATORY NO. 22: State the location and custodian of any written, computer or data records of any nature regarding or concerning any matter stated or described either in the preceding interrogatories or your responses thereto.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 23: Describe the dates and any and all records, in any form, concerning your service as Judge of the General Sessions Court of Cocke County, Tennessee, including but not limited to computer records, calendars, diaries, files, notes,

schedules, memoranda and personnel, and for each such record identify its location or locations, from September 18, 2007 through and including June 27, 2008.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 24: State the number of times you have engaged in the appointment or selection of substitute or special judges, or the dates and times any such judges were used for any absences by you from your service as Judge of the General Sessions Court of Cocke County, Tennessee, from September 18, 2007 through and including June 27, 2008.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

INTERROGATORY NO. 25: For each and every date named or described in the preceding Interrogatory No. 24, identify the following:

- (a) reason for your absence;
- (b) date of such absence;
- (c) identify of the special or substitute judge;

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Interrogatory on that ground.

Respectfully submitted, this 13th day of November, 2009.

A handwritten signature in black ink, appearing to read "G. Ball", is written over a horizontal line. The signature is fluid and cursive.

Gordon Ball


Ball & Scott Law Offices
550 W Main Street, Suite 601
Knoxville, TN 37902
Telephone: (865) 525-7028

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the following by United States Mail,
first class postage prepaid, upon:

Joseph S. Daniel
Disciplinary Counsel
Court of the Judiciary
503 North Maple Street
Murfreesboro, Tennessee 37130

This 13th day of November, 2009.



Gordon Ball

IN THE TENNESSEE COURT OF THE JUDICIARY

FILED

2009 NOV 16 AM 9:11

IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE

APPELLATE COURT CLERK
NASHVILLE

Docket No. M2009-02115-CJ-CJ-CJ

COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508

**RESPONSES AND OBJECTIONS TO
REQUESTS FOR PRODUCTION OF DOCUMENTS**

NOW INTO COURT comes The Honorable John A. Bell, Judge, General Sessions Court, Cocke County, Tennessee (“Judge Bell”), pursuant to Tennessee Rule of Civil Procedure 34, and responds to Disciplinary Counsel’s Requests for Production of Documents as follows:

I. PRELIMINARY OBJECTIONS

A. Privilege Against Self-Incrimination – Fifth Amendment of the United States Constitution and Article I, §9 of the Tennessee Constitution. The Formal Charges filed against Judge Bell charge him, among other things, with “obstructing justice and governmental administration,” “obstructing and interfering with evidence or witnesses and witness tampering,” and engaging in a conspiracy to subvert justice and the operation of the statutory Court of the Judiciary.” Specifically, the Formal Charges allege that Judge Bell is guilty of Class C, D and E felonies, as set forth in Tenn. Code Ann. § 39-16-107 (the “witness tampering” statute) and Tenn. Code Ann. § 39-16-402 (the “Official Misconduct” statute). Based upon those allegations and the delineated charges

of criminal offenses, Judge Bell has been advised by counsel to assert and invoke, and hereby does respectfully assert and invoke, his privilege against self-incrimination guaranteed by the Fifth Amendment of the United States Constitution and under Article I, Section 9 of the Tennessee Constitution, and therefore, must respectfully refuse to respond to the Requests for Production of Documents propounded unto him.

B. Attorney-Client Privilege. Insofar as any of the Requests for Production of Documents seek information relative to any communications between Judge Bell and his counsel, including attorney Tom Testerman, of the Cocke County bar, Judge Bell respectfully asserts and invokes the attorney-client privilege.

II. GENERAL OBJECTIONS

A. Judge Bell objects to the Requests to the extent they purport to impose obligations and require procedures beyond those set forth in the Tennessee Rules of Civil Procedure and all other applicable laws and rules.

B. Judge Bell objects to the Requests to the extent they purport to require the disclosure of information protected from disclosure by the attorney-client privilege, the work-product doctrine or any other applicable privilege, law or rule. Judge Bell hereby claims such privileges and protections to the extent implicated by each of the Requests and will exclude such privileged information from its responses. Any inadvertent disclosure of such privileged or protected information is not intended to waive those privileges or protections.

C. Judge Bell objects to the Requests to the extent they purport to require the disclosure of information that is not presently in the possession, custody or control of Judge Bell.

D. Judge Bell objects to the Requests to the extent they are overbroad, unduly burdensome and are not reasonably calculated to lead to the discovery of relevant information.

E. Judge Bell's failure to object on any particular ground shall not be construed as a waiver of his right to object on any additional ground.

F. In making these objections, Judge Bell does not in any way waive or intend to waive, but rather preserves and intends to preserve:

1. all rights to object on any ground to the competency, relevancy, materiality and admissibility of any information that may be provided in response to the Requests or the subject matter thereof;

2. all rights to object on any ground to the use of any information or document that may be provided in response to the Requests or subject matter thereof; and

3. all rights to object on any ground to any request for further responses to this or any other discovery request.

III. REQUESTS FOR PRODUCTION:

REQUEST NO. 1: Produce any documents identifying you as Judge of the General Sessions Court of Cocke County, Tennessee.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Request on that ground.

REQUEST NO. 2: Produce any documents evidencing or establishing any and all training, education, and seminars you have received or attended in Judicial Ethics, or involving Judicial Ethics from and during your tenure as Judge of the General Sessions Court of Cocke County, Tennessee.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Request on that ground.

REQUEST NO. 3: Produce any and all documents and/or records, in any form, concerning court dockets and your attendance at court dockets you have maintained or which have been maintained by any person, firm, or entity, concerning your duties as Judge of the General Sessions Court of Cocke County, Tennessee, including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, and for each such record identify its location or locations, from September 18, 2007 through and including June 28, 2008.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Request on that ground.

REQUEST NO. 4: Produce any and all documents or records relating to any and all vacation days, personal days, military days, holidays, sick days, leave days or any and all other absences provided to you or sanctioned for you in your capacity as Judge of the General Sessions Court of Cocke County, Tennessee, from September 18, 2007 through and including June 28, 2008.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Request on that ground.

REQUEST NO. 5: Produce any and all records, in any form, concerning the case or cases described in the Complaint filed in this action to which reference is hereby made, including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, research, and for each such record identify its location or locations, at all times since September 18, 2007.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Request on that ground.

REQUEST NO. 6: Produce any and all records, in any form, concerning any contact of any nature with a Mr. Testerman, relating to, involving or addressing in any fashion the case or cases described in the Complaint filed in this action, to which reference is hereby made, including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, and for each such record identify its location or locations, at all times since September 18, 2007.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this Request on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

Respectfully submitted, this 13th day of November, 2009.



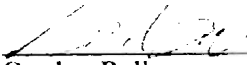
Gordon Ball
Ball & Scott Law Offices
550 W Main Street, Suite 601
Knoxville, TN 37902
Telephone: (865) 525-7028

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the following by United States Mail,
first class postage prepaid, upon:

Joseph S. Daniel
Disciplinary Counsel
Court of the Judiciary
503 North Maple Street
Murfreesboro, Tennessee 37130

This 13th day of November, 2009.



Gordon Ball

IN THE TENNESSEE COURT OF THE JUDICIARY

FILED

NOV 16 2009

Clerk of the Courts

**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

RESPONSES AND OBJECTIONS TO REQUESTS FOR ADMISSIONS

NOW INTO COURT comes The Honorable John A. Bell, Judge, General Sessions Court, Cocke County, Tennessee (“Judge Bell”), pursuant to Tennessee Rule of Civil Procedure 36, and responds to Disciplinary Counsel’s request for admissions as follows:

I. PRELIMINARY OBJECTIONS

A. Privilege Against Self-Incrimination – Fifth Amendment of the United States Constitution and Article I, §9 of the Tennessee Constitution. The Formal Charges filed against Judge Bell charge him, among other things, with “obstructing justice and governmental administration,” “obstructing and interfering with evidence or witnesses and witness tampering,” and engaging in a conspiracy to subvert justice and the operation of the statutory Court of the Judiciary.” Specifically, the Formal Charges allege that Judge Bell is guilty of Class C, D and E felonies, as set forth in Tenn. Code Ann. § 39-16-107 (the “witness tampering” statute) and Tenn. Code Ann. § 39-16-402 (the “Official Misconduct” statute). Based upon those allegations and the delineated charges of criminal offenses, Judge Bell has been advised by counsel to assert and invoke, and

hereby does respectfully assert and invoke, his privilege against self-incrimination guaranteed by the Fifth Amendment of the United States Constitution and under Article I, Section 9 of the Tennessee Constitution, and therefore, must respectfully refuse to answer the Request for Admissions propounded unto him.

B. Attorney-Client Privilege. Insofar as any of the Request for Admissions seek information relative to any communications between Judge Bell and his counsel, including attorney Tom Testerman, of the Cocke County bar, Judge Bell respectfully asserts and invokes the attorney-client privilege.

II. GENERAL OBJECTIONS

A. Judge Bell objects to the Requests to the extent they purport to impose obligations and require procedures beyond those set forth in the Tennessee Rules of Civil Procedure and all other applicable laws and rules.

B. Judge Bell objects to the Requests to the extent they purport to require the disclosure of information protected from disclosure by the attorney-client privilege, the work-product doctrine or any other applicable privilege, law or rule. Judge Bell hereby claims such privileges and protections to the extent implicated by each of the Requests and will exclude such privileged information from its responses. Any inadvertent disclosure of such privileged or protected information is not intended to waive those privileges or protections.

C. Judge Bell objects to the Requests to the extent they purport to require the disclosure of information that is not presently in the possession, custody or control of Judge Bell.

D. Judge Bell objects to the Requests to the extent they are overbroad, unduly burdensome and are not reasonably calculated to lead to the discovery of relevant information.

E. Judge Bell's failure to object on any particular ground shall not be construed as a waiver of his right to object on any additional ground.

F. In making these objections, Judge Bell does not in any way waive or intend to waive, but rather preserves and intends to preserve:

1. all rights to object on any ground to the competency, relevancy, materiality and admissibility of any information that may be provided in response to the Requests or the subject matter thereof;

2. all rights to object on any ground to the use of any information or document that may be provided in response to the Requests or subject matter thereof; and

3. all rights to object on any ground to any request for further responses to this or any other discovery request.

III. REQUESTS:

1. That you were at all times relevant herein (as described in the original Complaint in this action), a full time judge of the General Sessions Court of Cocke County, Tennessee, as described in TCA Section 16-15-502.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

2. That at all times relevant to the Complaint filed in this action, the Judicial Canons of Ethics or Code of Judicial Conduct applied to you.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

3. That in your capacity as General Sessions Judge you heard a case assigned docket number 2007–CV–869 on September 18, 2007 at 9:00 a.m., being a civil action brought by David J. Pleau, “policy #TNA11181953 for failure to pay damages resulting from accident with an uninsured motorist on 12-29-07 under \$5,000.”

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

4. That on the 18th day of September, 2007, the case described in previous Request No. 3 was, following the hearing, taken under advisement.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

5. That at the hearing of the case described in previous Request No. 3, the defendant insurance company, through counsel, moved the court to dismiss the complaint as a result of the fact that Mr. Pleau was in this complaint suing directly his own uninsured motorist carrier as opposed to suing the uninsured motorist.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

6. That at the hearing of the case described in previous Request No. 3, that you announced that you would have a decision in one week.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

7. That following the hearing of the case described in previous Request No. 3, the plaintiff Mr. Pleau asked you on more than one occasion to rule on the case and that you assured him that the decision would be forthcoming immediately.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

8. That following the hearing on September 18, 2007 of the case described in previous Request No. 3, on June 27, 2008, you ruled in the case.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

9. That your ruling described herein in the preceding Request No. 8 made findings of fact as to the cause of the underlying automobile collision and the related damages, and that these findings demonstrated your finding and opinion as to the responsibility or the cause of the accident as well as the amount of damages and ascribed the negligent conduct to the driver of the “other vehicle.”

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

10. That on December 23, 2008, in your capacity as General Sessions Judge, you entered an order which vacated the previous dismissal and further encouraged Mr. Pleau to file a new action against “the other driver” whose name is Jo Ann Coleman, and that David J. Pleau filed a second complaint concerning the subject automobile accident which was styled David Joseph Pleau vs. Jo Ann Coleman, Docket No. 2008–CV–1186.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

11. That on April 27, 2009, you rendered a decision in favor of Mr. Pleau and against Jo Ann Coleman and Merastar Insurance Company which basically recited the same findings of facts and conclusions as had previously been determined by Judge Bell. On this occasion these findings were made against Jo Ann Coleman who was pro se at these proceedings and was found to be one hundred percent at fault for the collision and a judgment was rendered against her in the sum of \$4,726.78.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground.

12. That in January, 2009, or early February, 2009, you initiated a meeting and/or met with a local attorney, a Mr. Testerman and at that time, discussed the complaint of Mr. Pleau which had been filed in the Court of the Judiciary.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.


13. That any time since 2008 you have asked, encouraged, or enlisted Mr. Testerman in any fashion, to approach Mr. Pleau on your behalf, to make a direct and unequivocal effort to induce Mr. Pleau to cease the pursuit of his complaint in the Court of the Judiciary.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

14. That at any time in 2009 you have had dialogue, contact, verbal conversations, or written communications, or any of the foregoing, with Mr. Testerman, in addition to any previously described, pertaining to, relating to or in any way and for any portion of the contact the complaint of Mr. Pleau against you, in the Court of the Judiciary.

RESPONSE: Judge Bell hereby invokes his privilege against self-incrimination and objects to this request on that ground. Judge Bell also objects to this request on the grounds that any confidential communications between Judge Bell and his counsel, including Mr. Testerman, are subject to the attorney-client privilege.

Respectfully submitted, this 13th day of November, 2009.



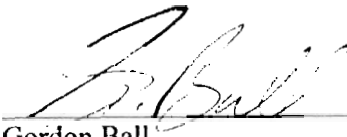
Gordon Ball
Ball & Scott Law Offices
550 W Main Street, Suite 601
Knoxville, TN 37902
Telephone: (865) 525-7028

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the following by United States Mail,
first class postage prepaid, upon:

Joseph S. Daniel
Disciplinary Counsel
Court of the Judiciary
503 North Maple Street
Murfreesboro, Tennessee 37130

This 13th day of November, 2009.



Gordon Ball

ORIGINAL

IN THE TENNESSEE COURT OF THE JUDICIARY

2009 NOV 16 AM 9:11

**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

APPELLATE COURT CLERK
NASHVILLE

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

ANSWER TO FORMAL CHARGES

NOW INTO COURT comes The Honorable John A. Bell, Judge, General Sessions Court, Cocke County, Tennessee ("Judge Bell"), pursuant to Tenn. Code Ann. §17-5-307(c), and answers the Formal Charges filed against him by Disciplinary Counsel for the Tennessee Court of the Judiciary as follows:

I. COUNTS I-III

1. The Formal Charges filed against Judge Bell charge him, among other things, with "obstructing justice and governmental administration," "obstructing and interfering with evidence or witnesses and witness tampering," and engaging in a conspiracy to subvert justice and the operation of the statutory Court of the Judiciary." Specifically, the Formal Charges allege that Judge Bell is guilty of Class C, D and E felonies, as set forth in Tenn. Code Ann. § 39-16-107 (the "witness tampering" statute) and Tenn. Code Ann. § 39-16-402 (the "Official Misconduct" statute). Based upon these allegations and charges of criminal offenses, Judge Bell has been advised by counsel to assert and invoke, and hereby does respectfully assert and invoke, his privilege against

self-incrimination guaranteed by the Fifth Amendment of the United States Constitution and under Article I, Section 9 of the Tennessee Constitution, and therefore, Judge Bell must respectfully refuse to answer the Formal Charges made against him.

Furthermore, Judge Bell respectfully asserts and invokes the attorney-client privilege as to any communications with his counsel, including attorney Tom Testerman, of the Cocke County bar.

II. GENERAL DEFENSE

2. The Formal Charges fail to state a judicial offense for which Judge Bell might be disciplined under the Tennessee Code of Judicial Conduct or the Tennessee Code.

III. AFFIRMATIVE DEFENSES

3. Disciplinary Counsel is estopped from charging Judge Bell with alleged judicial offenses for which he merely followed or adhered to Tennessee law, including case law, statutory law, rules, regulations, and judicial ethics opinions.

4. To the extent any of the Formal Charges are based on privileged or confidential statements or communications made by or documents provided by Judge Bell's counsel, such Formal Charges should be dismissed.

WHEREFORE, Judge Bell demands that the Formal Charges issued against him by Disciplinary Counsel be dismissed.

Respectfully submitted, this 13th day of November, 2009.

A handwritten signature in black ink, appearing to read "G. Ball", written over a horizontal line.

Gordon Ball
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Knoxville, TN 37902
Telephone: (865) 525-7028

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Joseph S. Daniel
Disciplinary Counsel
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Murfreesboro, Tennessee 37130

This 13th day of November, 2009.



Gordon Ball